Wednesday,
5th September, 1956

LOK SABHA DEBATES

VOLUME VI, 1956

(13th August to 8th September, 1956)

सत्यमेव जयते

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THIRTEENTH SESSION, 1956

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Wednesday, 5th September, 1956

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Industrial Estates

*1769. **Shri D.C. Sharma:**
Sardar Iqbal Singh:
Sardar Akarpuri:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have made an offer to the State Government of Punjab to advance loans for starting Industrial Estates;

(b) if so, the facilities which have been offered along with loans; and

(c) whether the Punjab Government has sent any reply to this offer?

The Minister of Consumer Industries (Shri Kanungo): (a) Yes, Sir.

(b) (*i*) The cost of preparing blue prints, plans, estimates etc. will be given a grant by the Central Government.

(*ii*) If the rent to be charged on the users of the Industrial Estate has to be subsided, the Central Government will give 50 per cent. of this expenditure as a Grant for a period of 5 years.

(c) Yes, Sir. They have informed us that they will require Rs. 20 lakhs as loan during 1956-57 for starting an Industrial Estate at Ludhiana. The scheme is under consideration.

Shri D. C. Sharma: May I know how many industrial estates are going to be set up in India during the Second Five Year Plan, and what has been the nature of allocation of these industrial estates to the various States of India?

Shri Kanungo: The total number of estates is decided according to the requirements of the States who send in proposals. At the moment, seven estates are being prepared and proposals for seven more are under consideration.

Shri Bansal: May I know if in allocating these industrial estates to the various States, the Government keep in view the States Reorganisation Act which we have recently passed and allocate the estates to the backward areas for which separate regions have been provided?

Shri Kanungo: The allotment is not by States as such, but according to the industries which are in particular States. According to the possibility of improving those industries, proposals are entertained and considered. Accordingly backward States will have a preference, because in those areas the small-scale industries have not been having a good time as expected.

Shri Kasliwal: May I know if before these loans are advanced to States for industrial estates, Governement satisfy themselves about the location of the estates as well as about the facilities which would be available in those areas?

Shri Kanungo: Yes, Sir.

Shrimati Renu Chakravartty: Regarding the Ludhiana industrial estate which is already there, may I know if Government is aware that already some of the industries have started functioning there, and one of the biggest difficulties is that they do not get power? May I know whether Government will assure that power will be got before these industrial estates are started?

Shri Kanungo: Yes, the industrial estates will have all common facilities, and one of the common facilities will be availability of power.

Shri Damodara Menon: May I know whether the Central advances to States for starting industrial estates are always in the nature of loans or whether any portion of the same is outright grants?

Shri Kanungo: I have given in the answer to the main question that a portion is in the form of grants, and the bulk of it is in the form of loans.

Shri D. C. Shatma: May I know if these industrial estates will be so constituted as to fill in all the gaps in the industrial map of India?

Shri Kanungo: That is not the purpose. The purpose is to improve the techniques and productivity of industries which happen to be in particular localities.

Shri Bansal: The Minister has been repeating again and again that the purpose of the industrial estates is to improve the techniques. My impression is that the purpose of the industrial estates is to develop industries in regions where they do not exist. The purpose of improving industries is that of the industrial institutues. From that point of view, I have been asking whether backward areas will be given preference or not in the matter of allocation of industrial estates.

Shri Kanungo: I have answered that for obvious reasons preference has got to be given to backward areas because they need it.

Hindu and Sikh Pilgrims to Pakistan

***1770. Shri Bibhuti Mishra:** Will the **Prime Minister** be pleased to state:

(a) the number of Hindu and Sikh pilgrims who have visited their religious places in Pakistan during November 1955 to June, 1956; and

(b) to what extent Pakistan Government gave them facilities in their movements?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) 624.

(b) The Government of Pakistan provided transport facilities and police escort for travelling to and from the shrines and holy places. Up to the end of 1955, pilgrims were allowed to move about locally under police escort and also to meet the local inhabitants in the presence of the C.I.D. Since then, facilities for local contacts and local movements have been severely restricted; and except at Lahore, pilgrims have not been permitted to move about and have been prevented from meeting local people.

श्री विभूति मिश्र : मैं जानना चाहता हूं कि जो हिन्दुओं और सिखों के धार्मिक स्थान हैं, वहां जो यात्री जाते हैं, उन के रहने वगैरह के लिये कोई खासा इन्तजाम होता है ?

श्री सादत अली खां : हां, उनके रहने का इन्तजाम होता है, उन के लिये कैन्टीन्स होती हैं, खाने पीने, फल तरकारी वगैरह का इन्तजाम होता है और पुलिस एस्कोर्ट भी उनके साथ भेजा जाता है।

Shri Krishnacharya Joshi: May I know whether medical facilities and other facilities are given?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): It is difficult to say about any special medical facilities. Generally arrangements for food, transport, etc; are made by Pakistan Government. They are not completely satisfactory, but some arrangements are made. I have no knowledge about special medical facilities.

Shri D. C. Sharma: May I know if permission to visit any of the Hindu or Sikh shrines was not given by the Pakistan Government during the period under review in this question?

Shri Jawaharlal Nehru: There was —I speak from memory—one case where permission was not given because at that time there was some trouble, I believe, in that local area.

Shri Jaipal Singh: We have just been told that 600 odd pilgrims visited. May I know how many had applied actually?

Shri Jawaharlal Nehru: I am sorry I should like to find out the information. We may have some more figures, but normally we do not have the figures here.

श्री विभूति मिश्र : मैं जानना चाहता हूं कि यह जो अभी सरकार की तरफ से बताया गया कि जो यात्री जाते हैं उन के पीछे सी० आई० डी० रहती है, उस का क्या कारण है ? पाकिस्तान सरकार जो लोग यात्रा करने जाते हैं उनके पीछे सी० आई० डी० क्यों लगाती है ? वह तो बेचारे धर्म कर्म करने जाते हैं।

श्री जवाहरलाल नेहरू : यह सवाल तो दूसरे शासन से पूछने का है, लेकिन आप समझ सकते हैं कि साधु के भेष में और भी कभी कभी हो सकते हैं।

Colleges for Displaced Students in Calcutta

***1771. Shri S. C. Samanta:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether five more degree Colleges in and around Calcutta have been established to accommodate five thousand more displaced students from East Pakistan;

(b) if so, how much money has already been spent for the purpose;

(c) whether no-refugee students will also find place in those Colleges; and

(d) if so, what is the percentage?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Actually six colleges, each to accommodate 1,000 students, have been sanctioned.

(b) About Rs. 15,000/-;

(c) Yes.

(d) No specific percentage has been fixed but the majority of the students admitted would be displaced students.

Shri S. C. Samanta: May I know whether these six colleges will be in or around Calcutta or at least one will be in North-Bengal as was suggested by the hon. Minister?

Shri J. K. Bhonsle: I do not know whether they are in Calcutta but I shall read out the names to my hon. friend who comes from Bengal and who knows where they are: Jadavpur, Barisha, Dum-Dum, Vaishnab Ghat, Bon-Hooghly and Narkel danga.

Shri S. C. Samanta: May I know the total estimated expenditure?

Shri J. K. Bhonsle: Loan........ Rs. 47.05 lakhs and grant Rs. 20.76 lakhs.

Shri B. K. Das: In view of the fact that there was a dispersal scheme worked out under which several high schools outside Calcutta area were upgraded, may I know how these colleges have been fairing and also whether they are obtaining a sufficient percentage of displaced students?

Shri J. K. Bhonsle: The West Bengal Government thought that there were about fifteen thousand college students who should be catered for and so it recommended fifteen colleges to be started round about Calcutta. The proposal was examined by the Ministers of Finance and Rehabilitation as well as the West Bengal Chief Minister. It was decided to start six colleges, to start with.

Shrimati Renu Chakravartty: Most of the colleges which the hon. Minister mentioned are very close to Calcutta. May I know if any of the colleges are going to be started in North Bengal where there is a large concentration of refugee students?

Shri J. K. Bhonsle: I said that fifteen colleges had been recommended and six of them had started.

Shri M. K. Moitra: The hon. Deputy Minister has stated that one of the colleges has been established at Jadavpur and placed under the juridication of Jadavpur University. May I know if that college has admitted only thirty students this year, as it has introduced three years' degree course?

Shri J. K. Bhonsle: I am not expected to know that but I will certainly get the information for my hon. friend.

Shri M. K. Moitra: May I know if the purpose of establishing this college, namely, to lessen the pressure and congestion of students in colleges, has been frustrated?

Mr. Speaker: He will make enquiries.

Optical Glass Plant

***1772. Shri Ram Krishan:** Will the Minister of **Production** be pleased to state:

(a) whether Government propose to set up a plant for the manufacture of optical glass; and

(b) if so, the main features of the scheme?

The Deputy Minister of Production (Shri Satish Chandra): (a) Yes, Sir.

(b) It is proposed to set up an Optical glass plant with a capacity of 50 tons per annum. If possible, an ophthalmic glass plant of the capacity of about 250 tons per annum will also be set up.

Shri Ram Krishan: May I know where the plant will be set up?

Shri Satish Chandra: It is too premature to say; it has not yet been decided to set up the plant. We are trying to get some technical collaborators whom it is difficult to find.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इस कारखाने में किस तरह के चश्मे तैयार किए जाएंगे ? क्या ऐसे चश्मे तैयार किए जाएंगे जो कि सावन के महीने में केवल हरा ही न दिखाई दें बल्कि और रंग भी दिखाई पड़ जायें ?

श्री सतीशचन्द्र : यह चश्मा तैयार करने का कारखाना ही नहीं है आनरेबल मैम्बर गलत समझे हैं ।

Collieries

*1773. **Shri Jhulan Sinha:** Will the Minister of **Production** be pleased to refer to the reply given to Starred Question No. 1234 on the 21st March, 1955 and state:

(a) whether the position with regard to the collieries running at a loss has since improved; and

(b) whether the position with regard to those yielding profit has been maintained?

The Deputy Minister of Production (Shri Satish Chandra): (a) Yes out of the 8 Collieries running at a loss during 1953-54 two viz. Jarangdih and Kurasia have since started yielding profit.

(b) Out of the three Collieries yielding profit in 1953-54, one Colliery namely Argada has shown loss in subsequent years because of the flooding of mines.

Shri Jhulan Sinha: May I enquire if any attempt has been made to make remaining six collieries pay their own way, even if there is no profit?

Shri Satish Chandra: Some of these collieries have been working for eighty or eighty-five years. They are being worked now to take out as much good quality coal as possible. A committee was appointed about these and it has submitted its report. Its recommendations have been considered by the Government and steps are being taken to implement them as soon as possible. It is thought that the losses will be considerably reduced as a result of this.

Shri T. B. Vittal Rao: Will a copy of the report of the technical experts Committee be laid on the Table of the House?

The Minister of Production (Shri K. C. Reddy): Is the hon. Member referring to the committee that had been set up to enquire into the working conditions of the Giridhi collieries?

Shri T. B. Vittal Rao: Yes.

Shri K. C. Reddy: Copies have been placed in the library already.

Shri Velayudhan: When the private collieries are running at a very high profit, why are the State-owned collieries running at a huge loss?

Shri Satish Chandra: The State-owned collieries taken as a 2hole are showing a profit. Even in the private sector, some run at a loss and some at a profit.

Shri Kamath: Has the hon. Minister—I mean the senior Minister—in accordance with the assurance given by him in the last session, examined the question as to whether some collieries in Madhya Pradesh and elsewhere which. I believe, have fallen into disuse or have not been worked since before the the Second World War, could be re-started with some measure of success and profit?

Shri K. C. Reddy: The question is still being examined. I cannot say now definitely in what stage it is but I shall try to get the latest information and make it available to the hon. Member as early as possible.

Pandit D. N. Tiwary: May I know the total loss in all the collieries? Has it increased or decreased?

Shri Satish Chandra: There is no loss; there is an overall profit.

Shri P. C. Bose: I want to know the same point. What is the total loss, in figures, as regards all the collieries taken together?

Mr. Speaker: There is no loss.

Shri P. C. Bose: I mean the profit, in figures.

Shri Satish Chandra: It was about Rs. 22 lakhs in the last financial year.

Haj Pilgrims

*1774. **Shri Krishnacharya Joshi:** Will the **Prime Minister** be pleased to state:

(a) the total number of Haj pilgrims who went to Macca and other places this year;

(b) the facilities given to them in India; and

(c) whether any special medical mission was sent with them to provide medical facilities?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) 13453.

(b) The pilgrims are issued pilgrim passes free of cost by the District authorities or by the Port Haj Committee, Bombay. They are vaccinated against small-pox and inoculated against cholera at Government and municipal hospitals and dispensaries and international health certificates are issued to them free of any charge. The Government of India permit the pilgrims to take with them to Hajaz food grains, cloth and certain essential items of equipment. The pilgrims are also permitted to carry a reasonable amount of Indian currency to the Hejaz. Pilgrims to the Hajaz have been exempted from the necessity of obtaining Income-Tax Clearance or Exemption Certificates before departure provided they are travelling as deck class passengers on pilgrim ships, on the strength of Pilgrim Passes and not International passports.

(c) A Medical Mission consisting of three doctors, including a lady doctor, and two compounders and with an adequate quantity of medicines has been sent to the Hejaz to render assistance to the Indian pilgrims as well as to the pilgrims from other countries during the current Haj Season.

Shri Krishnacharya Joshi: May I know whether similar facilities are given to Indian Christians who go to Palestine and other holy places?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I am not aware, Sir, of any special season for them to go there, or for large number of people going there. They go there from time to time and the question has never been raised.

Shri Krishnacharya Joshi: May I know the amount spent in providing facilities to these Haj pilgrims?

Mr. Speaker: For a season.

Shri Jawaharlal Nehru: The amount spent, as has been stated, is on giving them vaccination etc. and certain medical and like facilities. There is hardly any other expenditure involved; of course, an Indian medical mission was sent.

Shri Bhagwat Jha Azad: Are the Government aware that some of these pilgrims utilise this opportunity more for anti-India propaganda regarding Kashmir and in this connection they met the Prime Minister of Pakistan as well?

Mr. Speaker: How does the Prime Minster of Pakistan come in?

Shri Jawaharlal Nehru: I have not been able to understand the question.

Shri Bhagwat Jha Azad: Are the Government aware that some of these pilgrims utilise this opportunity more for anti-India propaganda regarding Kashmir and in this connection they met the Prime Minister of Pakistan as well at that place during the time of Haj?

Shri Jawaharlal Nehru: Out of 13453 pilgrims who went there last year, obviously, I cannot guarantee what all everyone of them did or did not do. I have not doubt that the vast majority of them go there for religious purposes. There may be some who utilise that opportunity for undesirable behaviour. Whether any of them met the Prime Minister of Pakistan or not, I do not know. It is quite possible, being in the same place they may meet at occasional functions or elsewhere.

Shri R. P. Garg: May I know if there were any deaths of the pilgrims in Macca due to lack of medical facilities and if so, why?

Shri Sadath Ali Khan: Medical facilities are provided. We are aware of no deaths.

Rehabilitation of Displaced Persons in 24-Parganas

*1775. **Shrimati Renu Chakravartty:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that forty acres of cadastral plots have been acquired in Uttar and Dakshin Neimta in P.S. Dumdum, District 24-Parganas for rehabilitation of displaced persons from East Pakistan:

(b) how many families are affected:

(c) whether any representation has been received for acquiring alternative waste land in the neighbourhood and for release of these plots; and

(d) the decision taken by Government?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) No; but 44.54 acres of land have been notified under the Land Development and Planning Act to enable the Government to enter into the notified lands for inspection with a view to being acquired.

(b) None; at the time of the notification the notified area was waste land.

(c) Yes.

(d) The representation is still under examination and no final decision for acquisition of the notified area has yet been taken.

Shrimati Renu Chakravartty: The hon. Minister stated that at the time of the notification this whole area was waste land. May I know by what time did all these houses and cadastral plots spring up? What was the date of the notification for acquisition and what was the date by which these houses sprung up?

Shri J. K. Bhonsle: The scheme was actually recommended by the Deputy Minister of West Bengal when he visited this area in July, 1955.

Shrimati Renu Chakravartty: Is it a fact that now, at the moment, the area which is going to fall under acquisition has on it a large number of houses in which families are living and the

Government popose to acquire this apea in spite of it?

Shri J. K. Bhonsle: We have received a report very recently from the Collector to the effect that the character of the land has changed so much that it should not be acquired.

Shrimati Renu Chakravartty: May I know the answer given to part (d) of the question? Is it that the representation is only under the consideration of the Government, or has any decision been taken on it?

Shri J. K. Bhonsle: I did not quite follow the question.

Mr. Speaker: The hon. Member wants to know the answer to part (d) of the question. She wants to know whether any decision has been taken or whether the Government are still considering it.

Shri J. K. Bhonsle: It is still under examination, Sir.

इस्पात के कारखाने

*१७७६. **श्री से० वे० रामस्वामी :**
श्री वाल्मीकी :
सरदार अकरपुरी :
सरदार इकबाल सिंह :

क्या लोहा और इस्पात मंत्री यह बताने की कृपा करेंगे कि तीन इस्पात के कारखानों की स्थापना के सबन्ध में कितनी प्रगति हुई है और उन में उत्पादन कार्य किस तारीख से प्रारम्भ होगा ?

वित्त तथा लोहा और इस्पात मंत्री (श्री कृष्णमाचारी) : एक वक्तव्य सभा की मेज पर रखा जाता है । [देखिये परिशिष्ट ११, अनुबन्ध सं० २२] ।

Shri S. V. Ramaswamy: May I know whether global tenders have been invited for any of these factories and if so, for which of them?

Shri T. T. Krishnamachari: So, far as the Durgapur and Bhilai plants are concerned, they are what is called 'package deal'. Arrangements have been made with the Government of the USSR in the case of the Bhilai plant and with the British Consortium called ISCON in the case of the Durgapur plant. In the case of the Rourkela plant a portion of the equipment was on the basis of tenders. Later on we found that we could not get tenders who would be able to give delivery terms suitable for our purpose for all the remaining parts of the plant. Therefore, again it is being done on the basis of negotiation.

Shri S. V. Ramaswamy: It is said that the Bhilai, Rourkela and Durgapur plants are Russian, German, and English respectively. May I know whether only the English machinery will be set up or machinery from all over the world will be called for and put into service?

Shri T. T. Krishnamachari: By and large, the machinery that will go into the Durgapur plant will be manufactured in the United Kingdom.

Shrimati Tarkeshwari Sinha: In view of the fact that the price of steel has gone very much high in the world market, may I know as to what will be the expected change in the original estimates for these three plants?

Shri T. T. Krishnamachari: The matter is still under investigation.

Shrimati Tarkeshwari Sinha: On the machinery that we are now importing, may I know how much excess price has been paid so far?

Shri T. T. Krishnamachari: We have not imported any machinery yet, in the case of either the Durgapur plant or the Rourkela plant. In the case of the Bhilai plant the terms and conditions under which this plant is being operated is on the basis of fixed prices and no question of any excess price arises in this case; unless it be that some of the changes in the specifications that we have made means an increased cost.

Shri Bansal: Is it a fact that the Bhilai plant is already six months behind schedule and the Rourkela plant about an year behind schedule; if not, is the Minister in a position to give an assurance to this House that both these plants will go into production on the scheduled dates?

Shri T. T. Krishnamachari: I will invite the hon. Member's attention to the statement that has been laid on the Table of the House, which will indicate to him that we are keeping up more or less to the schedule that we have envisaged.

Shri T. B. Vittal Rao: From the statement I find that for working some iron ore mines some American firm has been asked to prepare a project report. May I know what considerations weighed with the Government to give this work to this American firm when in our country sufficient technical talent is available for working the mines?

Shri T. T. Krishnamachari: I would like the hon. Member to put down a question for a specific answer.

Shri T. B. Vittal Rao: Sir, it is given in the statement that an American firm has been asked to prepare the project report, whereas none of these three plants are American.

Shri T. T. Krishnamachari: Yes, Sir; it does happen that we get other firms to help us in regard to iron and coal, but I am not prepared to commit myself to any statement in regard to the matter raised by the hon. Member at the present moment.

Shri T. B. Vittal Rao: It is already given in the statement.

Mr. Speaker: Whatever the statement may contain, the question is about the progress made in the matter of installation of the three steel plants and the date by which they are likely to go into production. Other matters as to why the work has been given to an American firm and not to any other firm are different and the hon. Member may put down a question. This may be incidentally given there in the statement, but these matters are not absolutely germane to the question.

Shri K. K. Basu: When a Minister gives a statement which contains a categorical fact that such and such a thing has been done, certainly the Minister must have enough facts in his possession. When a supplementary question is asked, how can he say that separate question may be given notice of?

Mr. Speaker: hon. Members forget that the main question was about the progress made regarding the installation of plants. That has been answered. Incidentally something is also mentioned. I did not object to the supplementary question being put. But as soon as the Minister said that in respect of that particular matter which has been mentioned in the statement, he would like to have notice so that he may be able to get more details, I think the hon. House should stop with that.

Shri T. T. Krishnamachari: May I add that the American firm has investigated the project and submitted a report. There is no question of our stopping anything being done. But if details are required , obviously I cannot carry an enormous number of details about each steel plant in my mind, nor do I have the figures here. The hon. Members must give me notice if they want any such detailed information.

Pandit D. N. Tiwary: May I know whether any case has come to the notice of the Government, where such personnel as have been trained in foreign countries in iron and steel factories are not being given any employment in the steel factories here and are working in other factories?

Shri T. T. Krishnamachari: What the hon-Member says might be true. But, we are prepared to take up any person who is found suitable. There is a small difference of procedure among the three steel plants regarding this matter. In regard to the Hindustan Steel which is a company, the recruitment is done by the Board or rather by the Managing Director. In regard to the other two projects which are projects carried on by the Ministry directly, we have to go before the Union Public Service Commission for the purpose of finalising such appointments. To the best of my knowledge, we have tried to get all the candidates who could be of any use, try to interview them and we have tried to provide for them.

व्यापार चिन्ह (ट्रेड मार्क) जांच समिति

*१७७७. **श्री श्रीनारायण दास** : क्या वाणिज्य और उद्योग मंत्री ४ मई, १९५६ के तारांकित प्रश्न संख्या १९३४ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने व्यापार चिह्न जांच समिति के प्रतिवेदन पर विचार किया है और उस पर कोई निर्णय किया है; और

(ख) यदि हां, तो उस निर्णय की मुख्य बातें क्या हैं ?

उपभोग वस्तु उद्योग मंत्री (श्री कानूनगो) : (क) तथा (ख). जी नहीं, समिति का प्रतिवेदन अभी परीक्षण के अधीन है ।

श्री श्रीनारायण दास : क्या मंत्री महोदय बतायेंगे कि इसके सम्बन्ध में कब तक अन्तिम निर्णय कर लिया जायेगा, और जो यह बिलम्ब हो रहा है इसका क्या कारण है ?

श्री कानूनगो : बिलम्ब की वजह यह है कि कमेटी की मैजारिटी (बहुसंख्या) और माइनरिटी (अल्प संख्या) रिपोर्ट आयी । उसके बात वह एक हाई कोर्ट के जज साहब को जांच करने के लिए दी गयीं । सब की अलग अलग राय थी । इसलिये इसकी जांच करने में जरूर देरी होगी ।

रेलवे पुल

*१७७८. } श्री रघुनाथ सिंह† :
श्री राम कृष्ण :

क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रेलवे के पुलों के लिये सरकार ने यूगोस्लाविया को ठेका दिया है; और

(ख) यदि हां, तो उसका ब्योरा क्या है ?

निर्माण, आवास और संभरण मंत्री के सभासचिव (श्री पू० शं० नास्कर) : (क) तथा (ख). जी, नहीं। लेकिन सार्वजनिक टेंडरों के आधार पर मेसर्स इंगरा यूगोस्लाव इन्डसट्रियल एंड कान्सट्रेक्शन एक्सपोर्ट ऐसोसियेशन, नई दिल्ली (M/s. Ingra Yugoslava Industrial & Construction Export Association New Delhi) को ११६८ रुपये फी टन की दर से बीस १०० फुट प्लेट क्लियर स्पैन गर्डरों (100 ft: Plate clear span Girders) के लिये ठेका दिया गया है।

Shri K. K. Basu : The answer may be read in English also.

Mr. Speaker : Whenever any hon. Minister is not able to pronounce Hindi properly, he may try to answer the question in English.

Shri P. S. Naskar : I shall read it in English.

(a) and (b). No. Sir.

A contract has, however, been placed with M/s. Ingra Yogoslav Industrial and Construction Export Association, New Delhi for the supply of twenty 100 ft. Plate Clear Span Girders at Rs. 1,168/- per ton, as a result of an open tender.

श्री रघुनाथ सिंह : मैं यह जानना चाहता हूं कि क्या किसी हिन्दुस्तानी फर्म ने भी इस काम के वास्ते एप्लीकेशन ‘अर्जी) दी है ?

निर्माण आवास और संभरण तथा उपभोग वस्तु मंत्री (सरदार स्वर्ण सिंह) : किसी ऐसी हिन्दुस्तानी फर्म ने इस टेंडर के जवाब में एप्लीकेशन नहीं दी जो कि इसी वक्त के अन्दर अन्दर इस चीज़ को सप्लाई कर सकती।

Shri Velayudhan : May I know whether these girders and bridges cannot be made in India, especially when we have to bring railway materials also from other countries ?

Sardar Swaran Singh : Yes. They can be made in India, but the fabrication facilities had all been booked, and these spans were urgently required within about twelve months of the placing of the orders. The existing capacity having already been booked for a much longer period, it was considered necessary to import these bridges.

Shri Velayudhan : Will it not take at least one more year to get these things into India ?

Mr. Speaker : The answer was, " within twelve months ".

Shri Velayudhan : It will take more time, Sir. May I know howlong will it take for bringing these things to India ?

Mr. Speaker : The hon. Minister definitely said that they were required within 12 months. What is the use of pursuing the matter ?

Shri Velayudhan : What I am asking is this. How long will it take for these things to come to India ?

Research Programme Committee

*1780. **Shri Madiah Gowda** : Will the Minister of **Planning** be pleased to state :

(a) the amount that has so far been allotted for Universities and other institutions for researches out of Rs. 50 lakhs budgeted for Research Programme Committee in the First Five Year Plan ;

(b) whether any of those universities and other institutions have so far submitted the results of their researches; and

(c) the number of cases in which the time allotted for the research scheme has expired ?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) An amount of Rs. 35·4 lakhs was allotted to Universities and other institutions, of which an amount of Rs. 20·5 lakhs was actually paid up to the end of 1955-56

(b) Out of the 65 research schemes approved, reports on 24 schemes have been submitted.

(c) Out of the 41 schemes now in progress, work was not completed on 27 schemes within the period indicated. Requests for extension of time were granted in these cases.

Shri Madiah Gowda : What are the main researches that were under taken by the universities and other institutions and how far have they been beneficial to the nation ?

Shri S. N. Mishra : As I have submitted, 65 research schemes were approved.

Mr. Speaker : The annual report of the Ministry will give the names of schemes on which research is made.

Shri Madiah Gowda : May I know why only particular institutions and particular universities are selected for this purpose and not certain universities and certain other institutions ?

Shri S. N. Mishra : No, Sir, There is no question of selection of particular institutions or particular universities. The research schemes are submitted by various institutions and they are approved by the Research Programme Committee.

Shri B. S. Murthy : May I know whether these researches are of a general character or of a topical or regional character ?

Shri S. N. Mishra : They are generally on problems of economic, social and administrative character, relating to national development.

Shri B. S. Murthy : Certain universities have taken certain schemes. So, may I know whether these universities study the questions relating to the particular area or region concerned, or, whether they study them on an all-India basis ?

Shri S. N. Mishra : In some cases, they have studied problems relating to particular areas.

Shri Madiah Gowda : Who are the members of these Research Committees and are the researches done supervised by the Universities ?

Mr. Speaker : No, not The hon. Member must have put down a separate question.

Shri Kelappan : May I know which are the 'other institutions,' referred to in the answer given by the hon. Minister ?

Shri S. N. Mishra : In some cases, the schemes have been submitted not only by the universities but by some other institutions like the Gokhale Institute, and the Institute of Economics, Hyderabad.

N.E.F.A.

*1781. { **Shri Krishnacharya Joshi** :
Shri Rishang Keishing :

Will the **Prime Minister** be pleased to state :

(a) the mileage of new motorable or jeepable roads constructed in the entire NEFA during the last five years ;

(b) the total expenses incurred thereon ; and

(c) how far Government have achieved the target proposed in the First Five Year Plan ?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika) : (a) to (c). The information relating to the question is not readily available and is being collected. It will be placed before the House as soon as it is received.

Shri Krishnacharya Joshi : May I know the total mileage of motorable roads proposed to be constructed in the N.E.F.A

Shri J. N. Hazarika : We had an estimate for the construction of 229 miles of all weather roads and 224 miles of fair weather roads by the end of the First Five Year Plan.

Shri Krishnacharya Joshi : May I know the estimated cost of construction ?

Shri J. N. Hazarika : Under the First Five Year Plan, the estimated cost was Rs. 109 lakhs.

Shrimati Renu Chakravartty : May I know whether it is a fact that much of this road-building work had been done by local labour and that the local labour has not been paid and, if so, what efforts are being made to expedite the payment ?

Shri J. N. Hazarika : That is not correct. The local labour is paid for the work. The local labour comes from the villages and those workers come in voluntarily for the construction of roads in many cases.

Shri Dhusiya: May I know the mileage of roads constructed by voluntary labour ?

Shri J. N. Hazarika : I require notice of that question.

Manufacture of Drugs

*1782. **Shri R. P. Garg** : Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 559 on the 1st August, 1956 and state :

(a) whether any foreign team of experts other than the U.S.S.R. Team has surveyed the potentialities for drug manufacture in our country ;

(b) if so, the details of the recommendations made to Government by the team; and

(c) the value of the foreign exchange that the country will save by the indigenous manufacture of Chemicals and dyes ?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) No, Sir.

(b) Does not arise.

(c) Approximate value of annual import of drugs is Rs. 15 crores, of Dyestuffs is Rs. 15 crores and of Chemicals is Rs. 20 crores. These amounts could be saved if the entire range of these materials could be produced in India.

Shri R. P. Garg : May I know if the Government is aware that with the commencement of the production of steel in the three plants, a huge quantity of coal-tar, which is a major intermediary for the manufacture of heavy chemicals, would be produced as a by product ?

Shri M. M. Shah : Yes, Sir ; the Government is aware of it and is taking all steps to utilise the coal-tar from the steel plants.

Shri R. P. Garg : If it is so, has the Government chalked out a plan so that heavy chemicals and dyes would start to be manufactured simultaneously with the commencement of the steel production ?

Shri M. M. Shah : The present plan is not so much to have simultaneous production, but to make the country as much self-sufficient in the commodities as possible. From the present indications, at the end of the Second Five Year Plan, the country would be self-sufficient to the extent of 60 or 70 per cent regarding dyes and drugs. Regarding Chemicals, we will reach near complete self-sufficiency in most of the Chemicals and will have something for export also.

Shri Bansal : May I know if the Government will place the report submitted by the team on the Table of the House ?

Shri M. M. Shah : I had earlier on a previous occasion indicated in this House that it would not be possible to place the report on the Table for several reasons and also because of the very highly technical nature of the report. A team from this country has already gone to Russia to consider the matter further and there the matter rests.

Shri Bansal : The reason given for not placing the report on the Table is that it is of a highly technical nature. I do not understand this reason.

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari): I would like to answer this Question, because the responsibility has been mine. Until we have some more information in regard to what can be done and we decide our policy, it would not be correct to place that report on the Table of the House.

Agricultural Programme

***1783. Shri Sanganna** : Will the Minister of **Planning** be pleased to state :

(a) whether it is a fact that the State Government have been asked to formulate new agricultural programmes consequent upon the Mussoorie Resolution taking into account the role of national extension, community development and irrigation projects ; and

(b) if so, whether the schemes from all the State Governments have been received ?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) and (b). State Governments were requested to revise their agricultural programmes under the Second Five Year Plan with a view to achieving higher targets. A number of suggestions were made by the Ministry of Food and Agriculture and the Planning Commission and at the Conference at Mussoorie. In the light of these suggestions State Governments are sending detailed proposals to the Ministry of Food and Agriculture and the Planning Commission. These are now being considered separately with each State.

Shri Sanganna : May I know whether the State Governments have been asked to take into consideration the suggestions made by the Thapar Delegation recently ?

Shri S. N. Mishra : When the report is submitted by the Thapar Delegation, it will certainly be brought to the notice of the State Governments, so far as it is relevant.

Shrimati Tarkeshwari Sinha : In view of the fact that at the Mussoorie Conference the State Governments expressed the view that without raising the financial allocation, it would not be easy to reach the revised target of 40 per cent increased in the agricultural produce and in view of the fact that the Prime Minister wrote letters to the Chief Ministers, may I know what other specific steps Government propose to take to reach the target ? May I know whether it will at all be possible to reach it ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : The hon. Member has refered presumably to some confidential letters that I wrote from time to time to the Chief Ministers. I do not know what means of access she has to my confidential letters.

Shrimati Tarkeshwari Sinha : I am sorry ; mention of the letter was made in the Press.

Shri Jawaharlal Nehru : Anyhow, there is nothing very confidential about it. Originally it was suggested by the Planning Commission that the target of 40 per cent might be kept in view at least in the next Five Year Plan. They did not fix the figure at 40 per cent, but they said broadly it might be kept in view. At the Musoorie Conference, many Ministers of Agriculture pointed out that they could not approach this figure, unless much more money was given to them for various purposes. Therefore, I wrote these letters pointing out firstly that they are not likely to get any more money ; secondly this figure will nevertheless have to be approched in spite of not getting money and further pointing out what the Planning Commission has pointed out, namely, that if certain adjustments were made, we might have a little more money within the broad sum allotted and it was quite possible to increase the target if we could bring in the Community Projects and the National Extension Services fully into the picture. By doing this I have no doubt this figure can be reached and we are now thinking in terms of bringing about this very close alliance and co-operation between the Community Projects and the National Extension Service schemes and the schemes of food production. Even in the previous Plan, without any very great effort, in the Community Project areas the increase in food production was, I believe, 25 per cent. If that was so, then with a somewhat increased effort, I have little doubt that it will come to 30 or 35 per cent; maybe 40 percent is too much, but certainly it will come to 30 or 35 per cent.

Our objective is more intensive cultivation and not so much spreading it out in new areas, though that may also take place. With the slightest increase in intensive cultivation, we will achieve far greater results. As it happens, in India we have areas where the yield per acre is very good, as good as anywhere else ; we have also areas where the yield per acre is the lowest. So, the gap between the highest yield and the lowest yield is very great. We can reach the highest yield given good seed, good cultivation, good manure etc. One very important factor, of course, is manure ; but, there is a tendency to rely too much on fertilisers, which are good in their own way. But it is a dangerous tendency that takes away their mind from other kinds of manure which are used in the country. We may have to get over that. I have no doubt that if this co-operation takes place between the Community Project schemes and the agricultural departments of the States, the yield per acre will increase very considerably.

Some Hon. Members *rose*—

Mr. Speaker : In view of the long statement made by the Prime Minister, is it necessary to put more questions ?

Displaced Persons in Tripura

*1785. **Shri Dasaratha Deb** : Will the Minister of **Rehabilitation** be pleased to state :

(a) whether any representation has been made to the Secretary and the Director of Rehabilitation of Tripura when they visited Chutakhilbaltali on the 13th July, 1956 ;

(b) if so, the demands made in that representation ; and

(c) the steps taken so far ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) and (c). A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 23].

Shri Dasaratha Deb : In the statement it is said :

" Payment of cash doles to non-campers : Cash doles are not admissible to non-campers."

May I know the reasons for this ?

Shri J. K. Bhonsle : After the introduction of the certificates it is necessary to insisit not to give loans to people who have no certificate and who are not residing in the camps but living outside on their own.

Shri Dasaratha Deb : In the statement it is said :

> "A second set of loan is considered in cases of hardship only on merits of each case."

May I know the specific nature of such cases and the criteria for deciding such cases ?

Shri J. K. Bhonsle: One set of loan is given for specific purposes, after working out minutely the details of the requirements of the displaced persons. If another set of loan is required and given, it becomes a habit. So unless and until the State authorities are absolutely satisfied that the second loan is absolutely essential, it is not the general custom to give the second loan.

Shri Dasaratha Deb: May I know in how many cases the second set of loans have already been sanctioned in Tripura so far ?

Shri J. K. Bhonsle: I have not got that information.

Shri Dasaratha Deb: Here in the statement it is stated :

> "The State Government are examining the cases on merits of each case. The disposal of those cases is being expedited".

May I know whether there is any approximate time limit to finalise cases between the receipt of the applications and also the date of finalisation of such cases ?

Shri J. K. Bhonsle: I do not know to which case he refers There are about eight points on the statement which has been placed on the Table of the Lok Sabha.

Shri Dasaratha Deb: It is found that in Tripura State some applications have been made for the second set of loans. But they continue to be pending for years together. May I know whether any approximate time limit has been fixed to decide such cases from the date of receipt of every application up to the period of finalisation ?

Shri J. K. Bhonsle: It is difficult to lay down any hard and fast rule with regard to the payment of loans to refugees. Whereever possible the State Governments have a machinery which goes into those questions very carefully and within a matter of three to five months the loans are generally sanctioned.

Ware-houses for Tea

***1786. Shri K. P. Tripathi**: Will the Minister of **Commerce and Industry** be pleased to state :

(a) the names of the parties which have been allotted ware-houses for tea in Calcutta ;

(b) whether any Indian party applied for lease of ware-houses to the Port Commissioners, Calcutta ;

(c) whether the application has been refused ; and

(d) if so, why ?

The Minister of Consumer Industries (Shri Kanungo): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI annexure No. 42].

(b) to (d) . Some Indian firms have applied ; ware-housing space has been allotted to a few.

Shri K. P. Tripathi: May I know whether it is a fact that the Menon Committee has stated that excessive concentration of economic power and warehousing give room for complaint of discrimination ?

Shri Kanungo: I am not sure of the particular passage. But generally the Menon Committee has reommended certain things about the public warehousing and warehousing in general. That is under consideration.

Shri K. P. Tripathi: May I know whether it is a fact that though Indians have applied for lease of ware-houses, they have not been leased to them in the Calcutta area ?

Shri Kanungo: I require notice as far as particular ware-houses are concerned.

Shri K. P. Tripathi: May I know if it is a fact that notices are being served on persons who are trying to lease the existing warehouses to the Indian parties so that they will be deprived of these leases if they lease them to Indian parties ?

Shri Kanungo: Under the rules of the Port Commissioners a lessee is not allowed to sub-lease.

Gliders and Helicopters

***1788. Shri Shivananjappa**: Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether the Government of India have granted permission to a Calcutta firm for the manufacture of gliders ; and

(b) whether the firm has also sought permission for the manufacture of helicopters and radio-controlled target aircraft ?

The Minister of Heavy Industries (Shri M. M. Shah): (a) Yes, Sir. A licence under the Industries (Development & Regulation) Act, 1951 was granted in May, 1956 to M/s. Aeronautical Services Ltd., Calcutta for the manufacture of gliders.

(b) The firm had also applied for permission to manufacture helicopters and radio-controlled target aircraft. According to the Industrial Policy Resolution the State is exclusively responsible for the manufacture of aircraft except where, in the national interest, the State itself considers it necessary to secure the co-operation of private enterprise. Therefore no licence was granted to the firm for the manufacture of helicopters and target aircraft. Certain revised proposals have been received from the firm and the matter is under consideration.

Shri Shivananjappa : May I know whether this firm has got any actual contract for the production and, if so, what is the target ?

Shri M. M. Shah : 36 gliders per annum.

Shri Shivananjappa : May I know whether the Government have got any plan for the manufacture of helicopters in India in the public sector ?

Shri M. M. Shah : This matter has been considerd from time to time. The requiremnts in the country are so limited that so far it has not been considered possible or economic to manufacture it here. But the matter is being reconsidered and the decision will be taken soon.

Shri G. S. Singh : May I know whether this firm has designed the glider before manufacture or is it established under a licence and, if so, what type of gliders are they going to manufacture and from which country it emerges ?

Shri M. M. Shah : The design of the glider has been developed by the Director General of Aviation and the Defence Ministry and the firm has adopted the design.

Shri T. S. A. Chettiar : If the Government is not interested in the manufacture of helicopter because of the smaller number of helicopter that are necessry, will they consider the question of giving a licence when a private firm applies for it ?

Shri M. M. Shah : Yes, Sir. The answer to the hon. Member's question is already contained in the latter portion of my reply. I said :

> "Certain revised proposals have been received from the firm and the matter is under consideration."

It is actually pertaining to the manufacture of rotary wing aircrafts *i.e.*, helicopters.

Indian Delegation on Drugs and Allied Industries

***1789. Shri Wodeyar :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether the Union Government have decided to send a delegation to the U. S. S. R. and other European countries to study the working of the drugs and allied industries there ; and

(b) the steps Government have taken so far to step up the manufacture of essential drugs and pharmaceuticals in the country ?

The Minister of Consumer Industries. (Shri Kanungo) : (a) Yes, Sir.

(b) A statement is laid on the Table of the Lok Sabha [*See* Appendix XI, annexure No. 25].

Shri Wodeyar : May I know whether this Delegation will submit a scheme for the stopping up of the manufature in this industry ?

Shri Kanungo : The Delegaton will certainly submit a report and that report, along with other reports, will be considered for preparing a programme for that industry.

Shri Velayudhan : May I know whether the Government is aware that Col. Sokhey, who toured extensively in the U.S.S.R. submitted a report with regard to the pharmaceutical industry there and whether that report was under examination by the Ministry of Industries and Commerce and whether it is a fact that the chief Industrial Adviser was not satisfied with the remarks made by his experts in that Ministry itself and he wanted an adverse report about this particular survey report ?

Shri Kanungo : There have been many proposals from various quarters including Col. Sokhey. A delegation was invited from U.S.S.R. and they have given certain proposals. A delegation is being sent to the U.S.S.R. to follow up the proposals and check them and find out how far they can be adopted *in toto* and on whe aspect modification is necessary.

Singaran Colliery

***1790. Shri T. B. Vittal Rao :** Wil the Minister of **Production** be pleased to state whether it is a fact that the Singaran Colliery in Durdwan managed by M/s. Velliers Ltd. of Calcutta are threatening to close down the Colliery?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : From an informal enquiry from Messrs. Villiers Limited it is understood that they have no intention of closing down the Colliery.

Shri T. B. Vittal Rao : May I know whether this colliery was not closed down during the whole month of August?

Shri R.G. Dubey : Yes sir. On one occasion because of waterlogging it was closed for two months or so.

Shri T. B. Vittal Rao : May I know whether Government are aware of the fact that the whole mine was flooded due to the electricity connection being cut off because the company did not pay the bill?

Shri R. G. Dubey: We have no knowledge about it.

Shri T. B. Vittal Rao : May I know whether there is any mchinery either with the Coal Controller or the Coal Production and Development Commissioner to inspect some of these coal mines when there is reduction in the output for reasons other than exhaustion of deposits ?

Shri R. G. Dubey : I may point out that this particular colliery is not a coking-coal-producing colliery. In respect of collieries which produce coke, we have provision in the Coal Mines (Conservation and Safety) Act to take action. In respect of collieries which produce non-coking coal we have no powers whatsoever. However, these collieries approach the Coal Board in some cases. This matter is pending with the Board and some action will be taken soon.

Shri B. S. Murthy: May I know whether employees of these collieries have been served with notices on the plea that there is no work?

Shri R.G. Dubey : On the contrary we find from our enquires that they are maintaining the strength even though they are incurring losses.

Indian Engineers Kidnapped in Burma

*1791. **Dr. Ram Subhag Singh :**
Shri Gidwani:
Sardar Akarpuri:
Sardar Iqbal Singh:

Will the **Prime Minister** be pleased to state:

(a) whether some Indian Engineers presently in the employment of the Burmese Government, have been kidnapped by the Burmese insurgents; and

(b) if so, whether Government have received any information regarding the release of these engineers ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) So far as the Government of India are aware friends and relations of the three kidnapped Indians are arranging for their release on payment of Kayats (Rupees)—5,000/- as ransom.

Shri Gidwani : Have they paid the amount ?

Mr. Speaker : They are arranging to pay?

Shri Gidwani : Who will pay the ransom ? Is it the Government of Burma ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : These gentlemen, I am told, were employed in the Burma railways by the Government of Burma and they chose to retain their Indian nationality at the time of separation. Therefore, they still continue to be Indian nationals. They were on a routine inspection in an area where the insurgents sometimes come and they were captured by these insurgents. Of course, they had no armaments and they were not fighting them. They were taken away and kept there.

The Government of Burma took immediate action and sent some forces there. But, these persons were removed from there. Still they are with the insurgents. Our information is that these insurgents demanded ransom, I think Rs. 3,000 for one person and Rs. 1,000 each for the others, Rs. 5,000 in all. Not the Burmese Government, but the friends and relatives of these three persons are arranging to pay that.

Shri Gidwani : Why does not the Government of Burma pay the ransom ?

Shri Jwaharlal Nehru : That is a matter for them to decide. Governments do not normally pay ransom to the enemy; they fight against them.

Shri B. S. Murthy : Because they were on duty, why should not the department in which they were working be asked to pay the ransom instead of their relations?

Shri Jawaharlal Nehru : The Government of Burma is an independent Government. We do not give advice to them in regard to their internal affairs.

Mr. Speaker : Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Patel Nagar Houses

*1779. **Shri Tek Chand :** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether the actual cost of two-roomed houses built in South, East and West Patel Nagar, New Delhi, has since been finalised;

(b) if so, the amount of cost of each such house;

(c) if the answer to part (a) be in the negative, the reasons why the recoveries of Rs. 1404/- have been got effected from the compensation claims of the widows and other poor refugees in possession of the houses in South Patel Nagar; and

(d) whether it is a fact that the house owners, in South Patel Nagar were given houses by lottery system, and none was allowed to pick or choose the house wanted by him?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) : (a). No.

(b) Does not arise.

(c) Recovery is being effected on the basis of the estimated safe cost. Any amount which is found to have been realised in excess, when the actual cost has been finalised, will be refunded.

(d) Yes.

Reserve Bank Credit to Weavers

*1784. **Shri N. B. Chowdhury** : Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have prepared any scheme for the supply of Reserve Bank Credit to weavers at three per cent interest through the Co-operative Banks; and

(b) if so, whether such credit will be made available to weavers who are members of the co-operative societies or to individual weavers also?

The Minister of Consumer Industries (Shri Kanungo) : (a) and (b). A scheme providing credit facilities by Reserve Bank to weavers, only within the co-operative fold, through the Co-operative Banks at concessional rate of 3% interest is under consideration and a decision will be taken shortly.

Flood Damages in Rajasthan

*1787. **Shri J. R. Mehta** : Will the Minister of **Irrigation and Power** be pleased to state:

(a) the number and names of Bunds damaged or washed away during the recent heavy rains in Rajasthan;

(b) how many of these had been constructed or were in the process of construction, under the provision in the First Five Year Plan;

(c) the estimated damage or loss caused;

(d) how far this damage was due to defective construction; and

(e) the action Government propose to take against those responsible for this defective construction?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) to (e). A statement giving the required information is laid on the Table of the Lok Sabha [*See* Appendix XI, annexure No. 26.]

Automobiles

*1792. **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the present list prices of cars, trucks, buses and automobile tyres;

(b) whether it is a fact that some types of automobile tyres are not available on the list prices and are sold on black market prices; and

(c) if so, the action taken in the matter?

The Minister of Heavy Industries (Shri M.M. Shah) : (*a*) A statement giving the prices of some popular sizes is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 27].

(b) Government have received some complaints regarding high prices charged by tyre dealers in respect of certain sizes. The shortage of these sizes is mainly responsible for the high prices.

(c) Substantial imports of the sizes of tyres in short supply have been allowed to supplement the local production.

Tea Board

*1793. **Shri Hem Raj** : Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of meetings held by the Tea Board in 1955 and upto the end of June, 1956;

(b) the main decisions taken and recommendations made by it to Government;

(c) whether a copy of the decisions will be laid on the Table of the Lok Sabha; and

(d) which of its recommendations have been accepted by Government?

The Minister of Consumer Industries (Shri Kanungo): (a) Six.

(b) to (d): A statement is laid on the Table of the Lok Sabha [*See* Appendix XI, annexure No. 283].

Industrial Cooperatives

*1794. **Shri B. S. Murthy** : Will the Minister of **Commerce and Industry** be pleased to state:

(*a*) whether the Andhra Government have submitted any schemes for financial assistance to encourage the formation of industrial Co-operatives;

(b) if so, the details thereof; and

(c) the amount so far granted in this connection?

The Minister of Consumer Industries (Shri Kanungo) : (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 29].

यूरेनियम

*१७६५. **श्री ह० रा० नवानी** : क्या प्रधान मंत्री यह बताने कि कृपा करेंगे कि :

(क) यह सच है कि राजस्थान के भीलवाड़ा जिले में यूरेनियम के निक्षेप पाये गये हैं; और

(ख). यदि हां, तो उसे निकालने के लिये क्या कार्यवाही की गई है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) तथा (ख). वर्ष १९५१–५२ के दौरान में राजस्थान के भीलवाड़ा जिले में समरस्काईट जोकि एक यूरनियम अयस्क है, के कुछ जखीरों पर काम किया गया और उनमें से निकली हुई अयस्क को सरकार ने खरीद लिया। यह जखीरे छोटे थे अतः जल्दी खत्म हो गये। इस इलाके से अन्य जखीरों के पाये जाने की कोई सूचना नहीं मिली।

Sealing of Looms in Jute Mills

*1796. **Shri Bansal** :
Shri Tushar Chatterjea :

Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether 12½ per cent. of the total looms of jute mills had remained sealed since May, 1949;

(b) whether 12½ per cent. of looms were unsealed on the 9th January, 1956 and further 5 per cent. on 20th February, 1956, leaving only 5 per cent. looms still out of use ;

(c) whether the jute mills have again sealed 2½ per cent. of the looms since the 16th July, 1956 ;

(d) whether the mills have also decided to seal 5 per cent. of the looms from the 17th September, 1956 ; and

(e) The factors responsible for the decision to reverse the tendency of augmenting production by sealing the looms and whether Government were consulted in the matter ?

The Minister of Consumer Industries (Shri Kanungo) : (a), (c) and (d), Yes, Sir.

(b) Reply is in the affirmative, except that 2½ per cent and not 12½ per cent. were unsealed on the 9th January, 1956.

(c) Factors responsible for the decision of the Indian Jute Mills Association to reseal their looms were increased production of jute-goods during January-June, 1956, with no proportionate increase in exports, which has resulted in accumulation of stocks and fall in the prices of jute goods to uneconomic level. The Government have been consulted in the matter.

Khadi-Gramodyog Bhavan, New Delhi

*1797. **Babu Ramnarayan Singh** :
Shri Asthana :

Will the Minister of **Production** be pleased to state how much amount has been spent by Khadi-Gramodyog Bhavan, New Delhi for the preparation of furniture at the time of opening of the emporium ?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey) : A sum of Rs. 59,176 was spent on furniture and fixtures.

Government Loans to Private Concerns

*1799. **Shri Sinhasan Singh** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether Government have sanctioned any loan to the tune of Rs. 2½ Crores and 3 Crores respectively to certain private concerns in India ;

(b) if so, to whom ;

(c) the purpose for which the loan has been granted and the terms thereof ;

(d) whether any other parties also applied for a similar loan ; and

(e) if so, their names and the decision taken in their cases?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) and (b). Yes, Sir. Government have sanctioned a loan of Rs. 3 crores to M/s. Atul Products Limited, Bulsar while the Industrial Finance Corporation have sanctioned a loan of Rs. 2·06 crores to M/s Fertilisers and Chemicals Travancore Limited, Alwaye.

(c) In both cases the loan has been sanctioned to enable the firms to undertake their expansion programmes. A statement showing the main terms of the loan agreement is laid on the Table of the House. [*See* Appendix XI, Annexure No. 30].

(d) No, Sir.

(e) Does not arise.

Clinical Thermometers

***1800. Shri S. V. Ramaswamy** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) the capacity of the indigenous industry for the manufacture of Clinical Thermometers ;

(b) the import quota for the period January to June, 1956 ; and

(c) whether this quota is on the high side in so far as indigenous manufacture is concerned ?

The Minister of Consumer Industries (Shri Kanungo) : (a) 1250 dozens per month.

(b) The import quota for the period between January—June was 100 per cent. General and 100 per cent. Soft to established importers.

(c) The quota has subsequently been reduced to 80 per cent. General and 80 per cent. Soft in view of the indigenous production.

Outer Mongolia's Admission to U.N.O.

***1801. Shri D. C. Sharma** : Will the **Prime Minister** be pleased to state whether the Government of India have given an assurance to Outer Mongolia that India will support her claim for admission to the United Nations Organisation next year ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : The policy of the Government of India on the question of admission of new Members to United Nations is well known. While welcoming the admission of 16 new Members at the last Session of the General Assembly, the Government of India expressed the hope that Japan and Outer Mongolia would soon be admitted as Members also.

Methanol Plant

***1802. Shri Bibhuti Mishra** : Will the Minister of **Production** be pleased to state :

(a) whether it is a fact that a team of two Russians came to India in June, 1956 to advise on the commissioning of a methanol plant in the country ; and

(b) if so, how far their expert advice has been fruitful ?

The Deputy Minister of Production (Shri Satish Chandra) : (a) Yes, Sir.

(*b*) The Russian Experts have reported that a Plant available in the country is, on the whole, in a fairly good condition, and can, after repairs, be installed at Sindri for the manufacture of methanol and ammonia. Their report is under consideration.

Sixteenth Report of the P.A.C.

***1803. Shri Jhulan Sinha** : Will the **Prime Minister** be pleased to state :

(a) whether his attention has been drawn to the opening para in the Sixteenth Report Vol. 1 of the P.A.C. complaining against the undue delay in complying with requests for information to the Committee ; and

(b) If so, the steps taken to remove the complaint ?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan) : (a) Yes.

(b) A copy of the instructions issued to the Ministeries and Departments is placed on the Table of the House . [*See* Appendix XI, annexure No. 31].

Patel Nagar Houses

***1804. Shri Tek Chand** : Will the Minister of **Rehabilitation** be pleased to refer to the reply given to Unstarred Question No. 778 on the 5th September, 1955 and state :

(a) whether it is a fact that the owners of the three-roomed houses in South, East and West Patel Nagar, New Delhi had been refunded a sum of Rs. 1192 (difference between Rs. 7000 deposited and Rs. 5808 said to be the final cost) before 5th September, 1955, when the actual cost had not been finalised as stated on the 5th September, 1955;

(b) if so, the reasons therefor ;

(c) whether each house owner given house prior to 23rd April, 1953 is to pay the actual cost of the house given to him, or is also expected to pay the part of the expenditure incurred on the houses allotted to other house owners; and

(d) if so, the reasons therefor ?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) : (a) In the case of three-roomed houses in East Patel Nagar an amount of Rs. 1,129 representing the difference beteween the original deposit of Rs. 7,000 and the safe cost of Rs. 5,871 has been refunded.

(b) At the time the original deposit asked for the cost was thought to be Rs. 7,000. The safe price was subsequently found to be lower.

(c) Yes, each house owner is required to pay the actual cost calculated for a particular group of houses constructed under a single contract and of the same type.

(d) Do not arise.

Steel Equalisation Fund

*1805. **Shri S. C. Samanta** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) how the Steel Equalisation Fund is utilised ;

(b) whether any amount goes to the main indigenous producers for expansion works ; and

(c) if so, how much has been paid to producers during 1955-56 ?

The Minister of Heavy Industries (Shri M. M. Shah) : (a). The Equalisation Fund is mainly used for :—

(*i*) subsiding imported pig iron & steel,

(*ii*) payment to rerollers of the excess of their retention price over statutory side price to enable them to sell at statutory sale price,

(*iii*) equalise the freight of iron and steel, so that it may be sold at uniform prices at all rail heads,

(*iv*) granting repayable advance to main producers for their approved expansion schemes,

(*v*) meeting the cost of the Price & Accounts Division of the Iron & Steel Control Organisation.

(b) Yes, Sir.

(c) Rs. 6,16,83,480 as a loan advance.

Industries in Bihar

*1806. **Shri Shree Narayan Das** : Will the Minister of **Commerce and Industries** be pleased to state :

(a) whether the question of starting some big and small manufacturing industries in North Bihar has been considered and decision taken thereon on the recommendation of the Bihar State Government ; and

(b) if so, the nature of such questions discussed and the result thereof ?

The Minister of Heavy Industries (Shri M.M. Shah): (a) and (b). The Bihar State Government included in their draft Plan under the heading 'large scale industries' a general proposal for the establishment of a Cement factory and a co-operative spinning mill in North Bihar. These proposals were considered at a meeting of the Working Group for industries in the Planning Commission. No provision for a cement factory has been made in the State Plan and the position will be reviewed when a suitable site for the factory has been found in North Bihar. The proposal for the establishment of a co-operative spinning mill which was only received recently is under consideration of the All India Handloom Board.

The State Government also submitted a number of schemes for the development of village and small-scale industries within the tentative allocation of Rs. 11·40 crores without indicating specifically the 'locations' where the schemes were to be implementaed. This allocation is being revised by the State Government in the light of recommendations of the All India Khadi, Handloom and Handicrafts Boards.

Tea Export Licences

*1807. **Shri K. P. Tripathi** : Will the Minister of **Commerce and Industry** be pleased to state :

(a) whether any section of the tea industry approached Government for an extension of the validity of the 1955-56 Special Export Licence till 31st August, 1956 ;

(b) whether the extension of the validity till 30th June, 1956 only was allowed ;

(c) if so, at whose instance this was made ; and

(d) whether this reduction in the period has caused the Industry a loss to the extent of Rupees 2 to 3 million ?

The Minister of Consumer Industries (Shri Kanungo) : (a) and (b). Yes Sir.

(c) Government after examining all relevant facts decided that the validity of the special export licences should be extended upto 30th June 1956 only.

(d) No, Sir.

Training of Steel Technicians

***1808. Shri Krishnacharaya Joshi** : Will the Minister of **Iron and Steel** be pleased to refer to the reply given to Unstarred Question No. 1496 on the 26th April, 1956 and state the steps taken to implement the recommendations of the Technical Committee appointed to survey and assess the existing training facilities in the country and to recommend suitable steps for organizing training of the right kind and quality ?

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) : As recommended by the Committee, arrangements have been made for special metallurgical courses for our trainees at five colleges where metallurgy is taught.

Arrangements have been made with the Training Centres run by the Ministry of Labour, to give 18 months' basic training to a total of about 10,000 trade apprentices spread over the next three years. Negotiations are in progress with Steel Works and other engineering Works in the country for on-the-job practical training facilities in 1957, 1958 and 1959 after completion of basic training.

A good number of experienced skilled workers will also be taken over from the Government Ordnance Factories and other projects where there is a surplus.

Damodar Valley Corporation

***1809. Dr. Ram Subhag Singh** : Will the Minister of **Irrigation and Power** be pleased to state :

(a) whether any assessment of the job requirements of the Damodar Valley Corporation projects has been made ; and;

(b) if so, the result thereof ?

The Deputy Minister of Irrigation and Power (Shri Hathi) : (a) Yes Sir.

(b) A statement giving the requisite information is laid on the Table of the House [*See* Appendix XI, Annexure No. 32].

Indo-Burma Trade Agreement

***1810.** { **Sardar Iqbal Singh:**
Sardar Akarpuri:

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 202 on the 24th July, 1956 and state:

(a) whether negotiations in regard to the renewal of the Indo-Burma Trade Agreement, 1951 have been resumed recently; and

(b) if so, the result thereof?

The Minister of Trade (Shree Karmarkar): (a) Yes Sir.

(b) The negotiations are continuing.

Sindri Fertilizer Factory

***1811. Shri Wodeyar:** Will the Minister of **Production** be pleased to state:

(a) whether the minimum wages for daily-rated workers at the Sindri Fertilizer Factory have been increased with retrospective effect from the 1st September, 1954.

(b) if so, how many employees of the factory will be benefited; and

(c) other details of this increase?

The Minister of Production (Shri K. C. Reddy): (a) Yes Sir.

(b) 3,500 approximately.

(c) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, Annexure No. 33].

Landless Agricultural Labourers

***1812. Shri Bibhuti Mishra:** Will the Minister of **Planning** be pleased to state:

(a) whether Government have prepared any new scheme under the Second Five Year Plan to settle landless Agricultural labourers; and

(b) if so, the details thereof?

The Minister of Planning (Shri S. N. Mishra): (a) Yes Sir.

(b) In May, 1955 the Ministry of Food & Agriculture addressed State Governments on the subject of settlement of landless agricultural labourers and asked them to undertake suitable schemes in this connection. They also stated that financial assistance from the Centre would be available for such schemes. A provision of Rs. 5·54 crores—Rs. 5·05 crores by the States and Rs. 0·49 crores by the Centre—has been made in the Second Plan under the Plan fourteen State Governments have schemes for the settlement of landless workers. These will now be processed by the Ministry of Food and Agriculture.

Indian Immigrants to Canada

*1813. { **Dr. Ram Subhag Singh:**
Shri Wodeyar:

Will the **Prime Minister** be pleased to state whether Government have received any communication from the Canadian Government regarding their proposal to allow more immigrants from India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): No.

Refugee Colonies in Delhi

*1814. **Shri D. C. Sharma:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether torrential rains in several parts of Delhi on Saturday and Sunday, the 18th and 19th August, 1956 have damaged regugee colonies of Tehar, Malvia Nagar, Kalkaji and Kotla;

(b) if so, whether the damage has been estimated;

(c) what kind of relief has been given; and

(d) the amount of relief provided so far?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) No.

(b) to (d). Do not arise.

Panel of Scientists

1330. **Shri Ram Krishan:** Will the Minister of **Planning** be pleased to state:

(a) whether the panel of scientists appointed to assist the Planning Commission in the task of co-ordination of programmes of research in national laboratories, in Universities and in other institutes has submitted its report; and

(b) if so, the main features thereof?

Deputy Minister of Planning (Shri S. N. Mishra): (a) No. The Panel of Scientists has not yet met.

(b) Do not arise.

Export Promotion Councils

1331. **Shri Ram Krishan:** Will the Minister of **Commerce and Industry** be pleased to state the progress made so far by each of the Export Promotion Councils set up by Government?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): The work done by the Export Promotion Councils so far is as follows:—

Cotton Textiles Export Promotion Council:

(1) Conducted market research in Burma, Malaya, Indonesia, Australia, New Zealand, Canada, West Indies, Norway, Sweden, Iraq, Iran, Afghanistan and Persian Gulf markets;

(2) Despatched a Trade Delegation to Burma, Thailand, Malaya, Indonesia and Ceylon;

(3) Opened Offices at Baghdad, Singapore, Aden, Burma, Lagos and Mombassa;

(4) Participated in the Indian Industries Fair, Delhi, and also in the International Exhibitions held in Pakistan, Accra, Lagos and Leipzig;

(5) Arranged display of Indian textiles in show-rooms maintained in the Indian Embassies;

(6) Is publishing bulletins—one for the information of manufacturers and exporters in India and another for the information of foregin importers;

(7) Investigated and settled more than hundred commercial disputes between Indian exporters and overseas importers;

(8) Displayed in India foreign textiles samples so as to focus the attention of Indian Mills and Exporters on the type of cloth preferred abroad;

(9) Prepared a hand book on Indian Textiles and distributed it among the foreign importers;

(10) Have taken steps to bring the pre-shipment inspection scheme for Cotton Textiles to the notice of foreign buyers; and

(11) Has evolved a standard contract form for use between Mills and Exporters.

Silk Rayon Textiles Export Promotion Council:

(1) Obtained market reports from Canada, U.S.A., Ceylon, Pakistan, Aden, Burma, Indonesia, Muscat, Iraq, Bonn, Tehran, Manila, Kabul and Singapore and circulated the same to the industry in India;

(2) Various statistical and other data relating to the industry is being collected and disseminated to Chambers of Commerce and importers in foreign countries;

(3) Samples of silk and rayon textiles popular abroad were collected and distributed to the industry in India;

(4) Samples of Indian Silk and Art Silk piece-goods were distributed among prospective foreign importers;

(5) Appointed a Standing Committee to investigate and settle complaints from foreign improters;

(6) Is publishing a bulletin giving information of interest of Indian manufacturers and exporters of silk and rayon textiles; and

(7) Displayed our silk and rayon goods in the Indian Exibitions at Accra and Lagos.

Plastics Export Promotion Council:

(1) Obtained and distributed market reports from Burma, Singapore, Pakistan, E. Africa, Ceylon, Iran, Aden, Bangkok and Peking;

(2) Conducted publicity by supplying samples of Indian plastic goods to the Foreign Representatives at the recent E.C.A.F.E. Session at Bangalore; and

(3) Is publishing bulletins for information of the trade and industry in regard to export matters.

Engineering Export Promotion Council:

(1) Sent a delegation to Burma to explore markets in that country;

(2) Is regularly obtaining information relating to foreign tenders etc. and are circulating it to the members of the industry;

(3) Has appointed surveyors in Egypt, Sudan and British East Africa. The survey of the markets to assess the demand for Engineering products in these countries is in progress; and

(4) Has taken steps to advertise in suitable journals and newspapers in British East Africa, Egypt, Iran, Iraq, Burma, Thailand, Malaya and Indonesia.

Cashew and Pepper Export Promotion Council:

(1) Prospects of finding markets in foreign countries with a view to diversifying the exports has been explored with the assistance of the Government Trade Representatives abroad;

(2) Displayed Cashew and Pepper at the Leipzig International Fair and the Indian Trade Exhibition at Accra and Lagos. Is also participating in the exhibition at Frankfurt, Zegreb and Prague;

(3) Despatched samples for free distribution through Indian Government Trade Representatives at Prague, Tokyo Manila, Paris, London, and Brussels;

(4) Periodical reports about market position in foreign countries are being circulated among the members of the industry;

(5) Encouraging the use of polythene bags for packing pepper intended for export so as to minimise the chances of mould formation;

(6) Has tried to settle complaints from foreign importers against Indian exporters of cashew;

(7) Has despatched a delegation consisting of Cashew and Pepper interests to explore fresh markets for these commodities in:—

(a) East and West Germany
(b) Turkey
(c) Holland
(d) Switzerland
(e) Yugoslavia
(f) Czechoslovakia
(g) France
(i) Italy and
(j) Austria.

Tobacco Export Promotion Council:

(1) Displayed samples at the International Trade Fair at Leipzig and at the Indian Exhibition at Lagos and Accra. Is also participating in the exhibition at Prague, Zagreb and Frankfurt;

(2) Samples are being regularly sent for exhibition and replacement to the showrooms established in our Indian Embassies abroad;

(3) Sent a Bidi Tobacco Delegation to Sudan, Egypt, West Africa, East Africa and Aden. Trial orders for small quantities were received and have been despatched. Samples of tobacco ordered by the prospective improters have been sent;

(4) Arranged rail transport on a priority basis for the movement of tobacco to the ports in order to help in complying with the order from China;

(5) Has despatched samples of tobacco to Czechoslovakia and U.S.S.R. in order to find out markets for high grade tobacco; and

(6) Helped in getting a quota of coal for redrying tobacco.

Development Commissioners' Conference

1332. **Shri Ram Krishan:** Will the Minister of **Planning** be pleased to state:

(a) whether the recommendations of the Conference of Development Commissioners have been considered by the Central Government; and

(b) if so, with what result?

Deputy Minister of Planning (Shri S. N. Mishra): (a) The reply is in the affirmative.

(b) They are being implemented.

Indians Abroad

1333. **Shri Ram Krishan:** Will the **Prime Minister** be pleased to state;

(a) the number of Indians who are being detained in foreign countries under the immigration laws, country-wise; and

(b) the reasons therefor?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). The information asked for is not available. An attempt to collect this information from all the countries of the world will involve a great deal of time and labour. In a number of countries, India has no representative. So far as is known, there are not many cases of Indians being detained under the immigration laws. If the Hon'ble Member would indicate any particular country or countries, an enquiry would be made from those countries.

New Factories and Mills

1334. **Shri Ram Krishan:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of new factories and mills established during the year 1955-56 (State-wise);

(b) the names of factories and mills for which licences have been issued by Government but the factories and mills have not been established so far; and

(c) the reasons for delay and the action proposed to be taken against the licence-holders?

The Minister of Heavy Industries (Shri M. M. Shah): (a) to (c). As the information is not kept in the Ministry as asked for, it is not possible to furnish the same. However, if the Hon'ble Member indicates the specific industry or industries for which he desires the information, the same will be supplied.

Ambar Charkha Instructors

1335. **Shri Bheekha Bhai:** Will the Minister of **Production** be pleased to state:

(a) whether it is a fact that minimum qualification fixed for undergoing Amber Charkha Instructors' training is matriculation;

(b) if so, whether Government propose to relax the minimum educational qualification; and

(c) whether Government have received any representations?

The Minister of Production (Shri K. C. Reddy): (a) Yes Sir, for new entrance only. In the case of experienced Khadi workers sponsored by recognized institutions, no such condition is imposed.

(b) No relaxation beyond what is mentioned in reply to (a) above is contemplated.

(c) No Sir.

Approved Contractors

1336. **Shri Krishnacharya Joshi:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of cottage and small scale industrial firms registered as approved contractors during the period from April to July, 1956; and

(b) the total number of industrial co-operatives as approved contractors on the list?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): (a) 18.

(b) 11.

All India Handicrafts Board

1337. Shri Krishnacharya Joshi: Will the Minister of **Production** be pleased to state the achievements of the Pilot Centres, setu p by the All India Handicrafts Board, during the first quarter of the current financial year?

The Minister of Production (Shri K. C. Reddy): A statement is laid on the Table of the Lok Sabha. [*See* Appendix IX Annexure No. 34].

All India Handicrafts Board

1338. Shri Krishnacharya Joshi: Will the Minister of **Production** be pleased to state:

(a) the names of the publications published by the All India Handicrafts Board during the year 1955-56; and

(b) the total amount spent for this purpose?

The Minister of Production (Shri K. C. Reddy): (a) The All India Handicrafts Board published the following publications during the year 1955-56:—

1. Annual Report (November 52—November 54) of the All India Handicrafts Board.
2. Report on the Marketing of Handicrafts.
3. Story of Handicrafts (in English & Hindi).
4. Handicrafts of India (Catalogue).
5. Indian Metalworks (Folder).
6. Ivory and Wood Carving (Folder).

(b) An amount of Rs. 73,635 has been spent on these publications.

Univoltine Silkworm Egg Centres

1339. Shri Hem Raj: Will the Minister of **Production** be pleased to state:

(a) the names of the places which have been recommended by the Central Silk Board for the establishment of basic seed station of univoltine silkworm egg centres; and

(b) the name of the place which has been finally selected for the purpose?

The Minister of Production (Shri K. C. Reddy): (a) and (b). The question of selection of a suitable place for location of the Central Race Seed Station is under consideration of the Central Silk Board.

Second Five-Year Plan of Punjab

1340. { **Shri D. C. Sharma:**
Sardar Iqbal Singh:

Will the Minister of **Planning** be pleased to state:

(a) the total amount estimated by the Government of Punjab in the Plan they submitted to the Planning Commission;

(b) the total estimated amount proposed to be granted; and

(c) the amount granted in the First Five-Year Plan and the amount used by the State?

The Deputy Minister of Planning (Shri S. N. Mishra) : (a) to (c). The draft Second Five Year Plan was prepared by the Punjab Government estimated to cost about Rs. 270 crores The Plan of Punjab State as included in the Second Five Year Plan is estimated to cost about Rs. 126 crores. During the first five year period. in addition to centrally sponsored schemes, the total outlay on the State Plan was Rs. 31·7 crores phased as follows:—

	State Plan
1951-52 (Acutals) . . .	2·7
1952-53 (Actuals) . . .	3·2
1953-54 (Actuals) . . .	7·3
1954-55 (Actuals) . . .	8·6
1955-56 (Revised) . . .	9·9
	31·7

Faked Compensation Claims

1341. Shri D. C. Sharma: Will the Minister of **Rehabilitation** be pleased to state the action that has been taken against the inter state gang which was selling faked compensation claims involving several crores of rupees to prospective purchasers of evacuee property in Delhi?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): Cases which have come to light have been referred to the Special Police Establishment, Ministry of Home Affairs and to the Local Police authorities for investigation.

Exhibition Site in Delhi

1342. { **Shri D. C. Sharma :**
Shri Bhakt Darshan :
Shri M. Islamuddin :

Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 111 on the 21st February, 1956 and state :

(a) whether a final decision to convert the site of the Indian Industries Fair into a permanent exhibition, has since been taken; and

(b) if so, the details thereof ?

The Minister of Heavy Industries (Shri M. M. Shah) : (a) Yes Sir.

(b) The details have not yet been finalized.

Tobacco

***1343. Shri Dabhi :** Will the Minister of **Commerce and Industry** be pleased to state :

(a) the names of the countries to which tobacco—other than the virginia tobacco—is exported from India;

(b) the quantity and the value of such tobacco exported during the years 1953, 1954 and 1955;

(c) whether there is any further scope for the export of such tobacco; and

(d) if so, to what extent ?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh) : (a) The principal countries to which tobacco other than virginia tobacco is exported from India are Ceylon, Egypt, Japan, Aden and Dependencies, Malaya, Kenya, Singapore, Yemen, Afghanisthan, Pakistan, French Equatorial Africa, Malta and Gozo.

(b) Figures relating to virginia and non-virginia tobacco are not maintained separately. However, a statement containing an estimate of our exports of non virginia tobacco is laid on the Table. [*See* Appendix XI, Annexure No. 35].

(c) and (d). Scope for any further increase in our exports of Indian non-flue-cured virginia tobacco is very limited.

Consulate at Surabaya

1344. Shri Krishnacharya Joshi : Will the **Prime Minister** be pleased to state whether a consulate at Surabaya (in Indonesia) has been opened ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Yes. It was opened on the 8th March, 1956.

Rate/Running Contract

1345. Pandit D. N. Tiwary : Will the Minister of **Works, Housing and Supply** be pleased to state :

(a) the benefit that has accrued to Government or to the supplier firms by the system of Rate/Running contract; and

(b) the names of the firms with whom such agreements have been made ?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh) : (a) and (b). Two statements giving the required information are laid on the Table of the Lok Sabha. *Placed in the Library*. [*See* Index No. S-418/56].

Printing at Private Presses

1346. Pandit D. N. Tiwary : Will the Minister of **Works , Housing and Supply** be pleased to state :

(a) the names of the private presses to whom Government jobs were allotted during 1955-56; and

(b) whether tenders are called for or the work is given by negotiation ?

The Minister of Works , Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh) : (a) A statement giving these names is placed on the Table of the House. [*See* Appendix XI, Annexure No. 36].

(b) Both. The work is given out by registration on Scheduled rates when it is either of an urgent nature where there is no time to call for tenders or the value of the work is very small or the tendered price is higher than Schedule rates. In other cases the work is given out on the basis of tenders.

Aid to Nepal

1347. Shri Bibhuti Mishra : Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that the Nepal Government have asked Government of India to send some professors to Nepal;

(b) if so, how many and for which subjects; and

(c) and what will be their emoluments ?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Yes, it is a fact.

(b) At the request of the Government of Nepal we have agreed to make available 2 Professors and 15 Lecturers under our Programme of Aid to Nepal.

Their number subject-wise is as follows :—

English	2 Professors 4 Lecturers
Physics	2 Lecturers
Botany	8 Lecturers
Commerce	1 Lecturer

(c) Their emoluments will be :—

For professors :

(*i*) Pay in the scale of Rs. 800-50-1250.

(*ii*) Compensatory Allowance : Rs. 165/- (If equal to First Secretary in the Indian Embassy according to the pay drawn), or Rs. 150/-/- (If equal to the Second Secretary according to the pay drawn).

(*iii*) Winter Allowance,—for 5 winter months as admissible to members of the staff of the Indian Embassy, Nepal.

For Lecturers :

(*i*) Pay in the scale of Rs. 250—20—350—25—500

(*ii*) Compensatory Allowance Rs. 210/- (If married) and Rs. 160/- (If single).

(*iii*) Winter Allowance for 5 winter months as admissible to the members of the staff of the Indian Embassy.

Goa

1348. **Shri D. C. Sharma** : Will the **Prime Minister** be pleased to state :

(a) whether he is aware of the fact that the Rev. Benjamin Munez, permanent representative of Costa Rican in the U. N. said in Bombay on July 9, 1956 that the Latin American nations will be pleased to use their good offices in bringing about a settlement between the Governments of India and Portugal on the Goa issue; and

(b) if so, whether the Government of India will make use of this offer?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : (a) Yes.

(b) The statement made in Bombay on the 9th July, 1956 ,by Rev. Benjamin Munez, Permanent Representative of Costa Rica to the United Nations was not in the nature of an offer on behalf of Costa Rica or the other Latin American countries to bring about a settlement of the Goa issue. The question of making use of such an offer does not, therefore, arise.

Rehabilitaion Ministry

1349. **Shri Jhulan Sinha** : Will the Minister of **Rehabilitation** be pleased to state :

(a) whether any assessment has so far been made of the loss to Government on account of fraud and embezzlement by the officers of the Ministry during the last five years;

(b) if so, the amount involved yearwise; and

(c) the steps taken to recover the same?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) : (a) There has been no case of fraud and embezzlement by the Officers of the Ministry during the last five years.

(b) and (c). Do not arise.

Small-Scale Industries

1350. **Shri Jhulan Sinha** : Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Government have made any purchases during the last year from the products of the Small-scale Industry Units; and

(b) if so, the names of the articles and their value ?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh) : (a) Yes, Sir.

(b) A statement showing the value of contracts placed by the Directorate General of Supplies & Disposals including their Regional Offices for Small Scale Industry products during the financial year ending 31-3-56 is placed below. [*See* Appendix XI, annexure No. 37]. The statement does not include purchases from the Cottage Industry Sector.

Nagarjuna Sagar Project

1351. { **Shri C.R. Chowdary** :
Shri S.V.L. Narasimham :

Will the Minister of **Irrigation and Power** be pleased to state the number of manual labour employed at Nagarjuna Sagar Project?

The Deputy Minister of Irrigation and Power (Shri Hathi) : About 6000 at the Dam site.

Irrigation and Power Projects in West Bengal

1352. **Shri N. B. Chowdhury**: Will the Minister of **Irrigation and Power** be pleased to lay a statement on the Table of the Sabha showing the approved list of irrigation and power projects to be executed in West Bengal during the Second Five Year Plan period with central assistance?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 38].

Honorary Gazetted Officers

1353. **Shri Madiah Gowda**: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names and places of persons serving as Gazetted Officers in an honorary capacity in his Ministry at present either with or without a token pay of Re. 1 p.m.;

(b) what are their powers and functions; and

(c) who makes their appointments?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): (a) to (c). A statement is laid on the Table of the Lok Sabha [*See* Appendix XI, annexure No. 39].

Silk Waste

1354. **Shri Madiah Gowda**: Will the Minister of **Production** be pleased to state:

(a) the quantity of silk waste exported during 1956;

(b) the quantity consumed by the Spun Silk Mills for 1954 and 1955 and that which will be required for 1956; and

(c) how the balance, if any, is to be disposed of?

The Minister of Production (Shri K. C. Reddy): (a) 307,439 lbs. upto the end of June 1956.

(b) The Spun Silk Mills Ltd., Channapatna consumed 359,370 lbs. in 1954 and 337, 370 lbs. in 1955. It is estimated that the Mills' consumption during 1956 would be about 6,45,400 lbs.

(c) The silk waste left after meeting the requirements of the Spun Silk Mills and also of the hand spinning industry in the country, is allowed to be exported after an appraisal of the stock position from time to time.

Nitro-Chalk Fertilizers Plant in Assam

1355. **Shri Debendra Nath Sarma**: Will the Minister of **Production** be pleased to state:

(a) whether the Assam Government have submitted any scheme for setting up a Nitro-Chalk Fertilizer Plant in Assam; and

(b) if so, whether any decision has been arrived at?

The Minister of Production (Shri K. C. Reddy): (a) Yes.

(b) Government have not found it possible to locate any fertilizer factory in Assam under the present expansion programme of fertilizer production in the country.

Acquisition of Houses in Delhi belonging to States

1356. **Shri Bheekha Bhai**: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether any agreement has been entered into by the Union Government with the State Government of Rajasthan in respect of the Dholpur House, Udaipur House, Jaipur House, Kotah House and Bikaner House; and

(b) if so, the terms and conditions of the agreement?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): (a) and (b). No formal agreement has been entered into, but the terms and conditions mutually agreed upon between the Union Government and the Government of Rajasthan are:—

(1) Rent for the buildings of the Rajasthan Government taken over by the Government of India will be calculated at 7½ per cent per annum of the book value of the buildings.

(2) The ground rent and House-tax will be paid by the Rajasthan Government.

(3) The buildings will be maintained by the Central Public Works Department, and for this purpose one month's rent will be deducted every year from the rent payable to the Rajasthan Government.

(4) Government of India will pay electricity and water charges.

(5) All special repairs to the buildings would be carried out at the cost of the Rajasthan Government.

(6) The Rajasthan Government will be consulted and their consent obtained before any structural alterations are made or any new structures are erected in the compounds.

Bhakra Control Board

1357. **Shri L. N. Mishra:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether it is a fact that there is some proposal to put some more generators on the right bank of the Sutlej by the Bhakra Control Board; and

(b) if so, the details of the same and the estimated cost?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Yes, Sir.

(b) The proposal is still in the initial stage and no decision has been taken in regard to the number of units to be installed on the right bank. The cost will depend upon the number of units to be installed.

नेपाल आने वाले भारतीयों के लिये वीसा (दृष्टांक)

१३५८. **श्री विभूति मिश्र :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नेपाल की सरकार ने एक आदेश निकाला है कि नेपाल आने के इच्छुक भारतीयों को वीसा (दृष्टांक) ले कर आना चाहिये ; और

(ख) यदि हां, तो उसका वास्तविक ब्यौरा क्या है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) जी, नहीं। यह सच नहीं है।

(ख) इस का सवाल नहीं उठता।

Nahan Foundry Ltd.

1359. **Shri Krishnacharya Joshi:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the number of infringement cases of the Nahan Foundry's Trade Mark that have been reported during the last six months; and

(b) the measures taken to check these infringements?

The Minister of Heavy Industries (Shri M. M. Shah): (a) None, Sir.

(b) Do not arise.

विदेशों में भारतीय प्रदर्शनियां

१३६०. **श्री खू० चं० सोधिया :** क्या वाणिज्य और उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष में अब तक विदेशों में कितनी भारतीय प्रदर्शनियां की यीं और इस वर्ष के अन्त तक कितनी और प्रदर्शनियां करने का विचार है;

(ख) इन में से प्रत्येक प्रदर्शनी कहा कहां हुई और कहां कहां होने वाली है, कितने समय तक हुई और कितने समय तक होंगी और उन पर कितना व्यय किया गया और कितना व्यय किया जाने वाला है ; और

(ग) इन प्रदर्शनियों से वापस लाई गई वस्तुयें किस काम में लाई जाती हैं और उन्हें कहां रखा जाता है ?

निर्माण, आवास और सम्भरण तथा वाणिज्य और उपभोग-वस्तु उद्योग मंत्री (सरदार स्वर्णसिंह): (क) तथा (ख). एक वक्तव्य सभा पटल पर रख दिया गया है (देखिये परिशिष्ट ११, अनुबन्ध सं ४०)

(ग) प्रदर्शनियों में दिखायी जाने वाली वस्तुयें व्यापारियों तथा भारत सरकार के विभागों, दोनों से ही प्राप्त की जाती हैं। व्यापारियों द्वारा दी जाने वाली वस्तुएं तो उनकी हिदायतों के अनुसार हस्तान्तरित कर दी जाती हैं और सरकारी विभागों द्वारा भेजी गयी वस्तुएं या तो बेच दी जाती हैं या किन्हीं अन्य प्रदर्शनियों को भेज दी जाती हैं अथवा हमारे दूतावास उन्हें व्यापारिक प्रदर्शन कक्षों में स्थायी प्रदर्शन के लिये ले लेते हैं।

National Small Industries Corporation

1361 { **Sardar Iqbal Singh:**
{ **Sardar Akarpuri:**

Will the Minister of **Commerce and Industry** be pleased to state the main activities of the National Small Industries Corporation during this year?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 41].

Central Board for Salt

1362. **Shri Hem Raj:** Will the Minister of **Production** be pleased to state:

(a) the number of meetings held by the Central Board for Salt from January, 1955 to June, 1956;

(b) the main decisions taken and recommendations made by it to Government;

(c) whether a copy of the decisions will be laid on the Table of the Sabha; and

(d) which of its recommendations have been accepted by Government?

The Minister of Production (Shri K. C. Reddy): (a) One meeting of the Central Salt Board was held on 21st March, 1956, during the period from January, 1955 to June, 1956.

(b) to (d). A statement giving the details of the Information required is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 42].

Silk Board

1363. **Shri Hem Raj:** Will the Minister of **Production** be pleased to state:

(a) the number of meetings held by the Silk Board from January 1955 to June, 1956;

(b) the main decisions taken by it and recommendations made to Government; and

(c) which of them have been accepted by Government?

The Minister of Production (Shri K. C. Reddy): (a) Three general body meetings and six meetings of the Standing Committee.

(b) 1. Canalisation of imports of raw silk.

2. Establishment of a 100 basin Filature at Malda, West Bengal.

3. Allocation of funds for the Second Five Year Plan.

4. Establishment of an All India Training Institute.

5. Establishment of a Central Foreign Race Seed Station.

6. Establishment of spun silk mills in the North.

7. Stabilization of raw silk market in West Bengal.

(c) The recommendations at (1) & (2) above have already been accepted by the Government. Detailed proposals in respect of item (6) are awaited from the Board The other proposals have recently been received from the Silk Board and are under examination.

Woollen Production Plants

1364. **Shri Wodeyar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the Government of India are considering installin two Woollen Production Plants; and

(b) if so, what is the production capacity and the cost of each and where these plants will be established?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): (a) There is no proposal for installation of two woollen plants by the Government of India.

(b) Do not arise.

Soap

1365. **Shri B. S. Murthy:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1229 on 20th August, 1956 and state the names of the countries to which soap is exported from India?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): The important countries to which soap is exported are Aden, Afghanistan, Burma, Ceylon, Kenya, Pakistan, Singapore, Tanganyika, Zanzibar, Mauritius, Fed. of Malaya, Kuwait & Thailand.

Jute Industry

1366. **Shri Bansal:** Will the Minister of **Commerce and Industry** be pleased to lay a statement on the Table of the Lok Sabha showing:

(a) the stock position of hessian and sacking separately at the end of each month in 1956;

(b) the prices of representative varieties of raw jute, hessian and sacking at the end of each month in 1956;

(c) the trend of exports during each month in 1956; and

(d) the offtake of jute goods by the consumers in the local market?

The Minister of Works, Housing and Supply and Commerce and Consumer Industries (Sardar Swaran Singh): (a) to (d). A statement is laid on the Table of the Lok Sabha. [*See* Appendix X annexure No. 43]:

Khadi-Gramodyog Bhawan, New Delhi

1367. { **Babu Ramnarayan Singh**
Shri Asthana:

Will the Minister of **Production** be pleased to state:

(a) how much amount has been spent by Khadi-Gramodyog Bhawan New Delhi in electrification work at the time of opening of the emporium; and

(b) whether it is a fact that no competitive rates were called for this project from contractors?

The Minister of Production (Shri K. C. Reddy): (a) Rs. 8,722.

(b) No. Sir.

DAILY DIGEST

[*Wednesday, 5th September, 1956*]

ORAL ANSWERS TO QUESTIONS

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1771.	Colleges for Displaced Students in Calcutta	2172-74
1772.	Optical Glass Plant	2174
1773.	Collieries	2175-76
1774.	Haj Pilgrims	2176-78
1775.	Rehabilitation of Displaced Persons in 24-Parganas	2178-79
1776.	Steel Plants	2179-82
1777.	Trade Marks Enquiry Committee	2182
1778.	Railway Bridges	2183-84
1780.	Research Programme Committee	2184-86
1781.	N.E.F.A.	2186
1782.	Manufacture of Drugs	2186-88
1783.	Agricultural Programme	2188-90
1785.	Displaced persons in Tripura	2190-91
1786.	Ware-houses for Tea	2191-92
1788.	Gliders and Helicopters	2192-93
1789.	Indian Delegation on Drugs and Allied Industries	2193-94
1790.	Singaran Colliery	2194-95
1791.	Indian Engineers Kidnapped in Burma	2195-96

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S. Q. Nos.	*Subject*	COLUMNS
1779.	Patel Nagar Houses	2196-97
1784.	Reserve Bank Credit to Weavers	2197
1787.	Flood damages in Rajasthan	2197-98
1792.	Automobiles	2198
1793.	Tea Board	2198
1794.	Industrial Co-operatives	2198-99
1795.	Uranium	2199
1796.	Sealing of Looms in Jute Mills	2199-2200
1797.	Khadi-Gramodyog Bhavan, New Delhi	2200
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1800.	Clinical Thermometers	2201
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1802.	Methanol Plant	2202
1803.	Sixteenth Report of the P.A.C.	2022
1804.	Patel Nagar Houses	2202-03
1805.	Steel Equalisation Fund	2203-04
1806.	Industries in Bihar	2204
1807.	Tea Export Licences	2204-05
1808.	Training of Steel Technicians	2205
1809.	Damodar Valley Corporation	2205
1810.	Indo-Burma Trade Agreement	2206
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1812.	Landless Agricultural Labourers	2206-07
1813.	Indian Immigrants to Canada	2207
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1330.	Panel of Scientists	2207
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1332.	Development Commissioners Conference	2211
1333.	Indians abroad	2211
1334.	New Factories and Mills	2212
1335.	Ambar Charkha Instructors	2212
1336.	Approved Contractors	2212-13
1337.	All India Handicrafts Board	2213
1338.	All India Handicrafts Board	2213
1339.	Univoltine Silkworm Egg Centres	2213-14
1340.	Second Five Year Plan of Punjab	2214
1341.	Faked Compensation Claims	2214
1342.	Exhibition Site in Delhi	2214-15
1343.	Tobacco	2215
1344.	Consulate at Surabaya	2216
1345.	Rate Running Contract	221

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U.S.Q. Nos.	*Subject*	COLUMNS
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1352.	Irrigation and Power Projects in West Bengal	2219
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1355.	Nitro-Chalk Fertilizers Plant in Assam . .	2220
1356.	Acquisition of Houses belonging to States .	2220—21
1357.	Bhakra Control Board .	2221
1358.	Visas for Indians going to Nepal . . .	2221
1359.	Nahan Foundry Ltd. .	2221—22
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1361.	National Small Industries Corporation .	2223
1362.	Central Board for Salt .	2223
1363.	Silk Board . . .	2223—24
1364.	Woollen Production Plants . . .	2224
1365.	Soap	2224
1366.	Jute Industry . .	2225—26
1367.	Khadi-Gramodyog Bhavan, New Delhi. .	2226

LOK SABHA DEBATES Dated......12.3.2013.....

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Wednesday, 5th September, 1956

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

MESSAGES FROM RAJYA SABHA

12.01 P.M.

Secretary: Sir, I have to report the following three messages received from the Secretary of Rajya Sabha:

> (i) 'In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 4th September, 1956, agreed without any amendment to the Lok Sahayak Sena Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 28th August, 1956.'
>
> (ii) 'In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 3rd September, 1956, agreed without any amendment to the Indian Institute of Technology (Kharagpur) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 25th August, 1956.'
>
> (iii) 'In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 4th September, 1956, agreed without any amendment to the State Financial Corporations (Amendment) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 30th August, 1956.'

PETITION *RE* NON-JUDICIAL AND COURT FEE STAMP PAPERS

Dr. Gangadhara Siva (Chittoor-Reserved-Sch. Castes): I beg to present a petition signed by a petitioner relating to the standardisation and machine-ruling of non-judicial and court fee stamp papers.

BUSINESS OF THE HOUSE

Shri Kamath: Mr. Speaker, you are aware that soon after the consideration and passing of this Bill before us the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill will be taken up. The Home Minister was good enough to lay on the Table of the House last Saturday a copy of the Backward Classes Commission's report. I had invited your attention to the fact that it would not be fruitful, would not be effective, it would be futile and infuctuous to consider the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill before the Backward Classes Commission's report is taken up and discussed in the House. It would, to say the least, be putting the cart before the horse, if not worse. I would therefore request you to let the House know whether we will have the fullest opportunity of discussing the Backward Classes Commission's report before the Bill is taken up for consideration. In that

[Shri Kamath.]

case, I would also request you to enlighten us, as a further corollary, whether the session of the House would be extended. Unless it is extended, we cannot consider the Bill and pass it after discussing the report, which will require three to four days. I would request you to consider the matter and let us know what the position is.

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): To the first question whether the session is likely to be extened, the answer is that it is not likely to be extended. Government do not propose to extend it. The second question is whether the Backward Classes Commission's report will be discussed before the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill is taken up, I am afraid that cannot be done. We have no objection. But, it is not physically possible. On a future occasion, the subject will be discussed fully and what is decided by Parliament may follow. It is not physically possible to discuss it at this stage before the session ends, before the other Bill is taken up.

Mr. Speaker: How is the one related to the other? This relates to the administration and the other relates to the inclusion of some people in the list.

Shri Kamath: In the Statement of Objects and Reasons of this Bill, it is stated that it is based on the decisions taken on the Backward Classes Commission's report. Government did not agree with some of the recommendations made by the Commission. They have differed from them. Unless we can discuss the report and come to a decision as to why the Government have differed from the recommendations of the Commission and why the recommendations of the Commission could not be accepted by the Parliament, how can we proceed?

Mr. Speaker: So far as the Bill is based on some portions of the report, those portions of the report can be referred to fully and discussed. Government also will put up their point of view.

Shri Raghavachari (Penukonda): I wish to offer a suggestion. The Second Five Year Plan was discussed last time and it has been postponed to this session. A number of days have also been provided for that. One day may be cut out....

Some Hon. Members: No, no.

Shri Raghavachari: The further discussion of the Second Plan may go to the next session.

Some Hon. Members: No, no.

Shri Raghavachari: This Scheduled Castes and Scheduled Tribes report may be discussed for a day and all this awkwardness avoided.

Mr. Speaker: The House is divided in its opinion.

CONSTITUTION (NINTH AMENDMENT) BILL

Mr. Speaker: The House will now take up clause by clause consideration of the Constitution (Ninth Amendment) Bill, 1956. Hon. Members who wish to move their amendments to the various clauses will kindly hand over the numbers of their amendments specifying the clauses to which they relate to the Secretary at the Table within 15 minutes.

Hon. Members are aware that so far as the amendments are concerned, a normal majority is enough, but only with respect to the clauses, a special majority is necessary. To avoid spending time in calling one clause after another and putting them separately, I will allow discussion of all the clauses and all the amendments one after another and after we have completed, I shall put these clauses separately and amendments together.

Shri Kamath: Why not clause by clause?

Shri N. C. Chatterjee (Hooghly): Would this not be better, Sir, I would suggest, subject to the approval of the House, that you may have a compartmental treatment. The judiciary and the Services clauses may be grouped together; minorities clauses may be grouped together; the clauses on regional committees may be grouped together; so also the residuary clauses. I am suggesting that clauses 2 to 10 form one group. Then clauses 11 to 16; clauses 20A and 25; minorities clauses 2A, 21, 23A; regional committees clause 22; the rest, clauses 23, 24, 26 to 29.

Mr. Speaker: What about clauses 17 and 18?

Shri N. C. Chatterjee: Union territories; they should come separately; we can treat clauses 17 to 20 separately.

Mr. Speaker: They are distinct. Minorities clauses will take some time also.

Shri N. C. Chatterjee: You may remember clauses 13 and 14 are important.

Mr. Speaker: Clauses 2 to 10 are formal. They follow the States Reorganisation Bill. What time shall I allot? One hour.

Shri K. K. Basu (Diamond Harbour): There are amendments.

Mr. Speaker: Then, clauses 11 to 16; then 20A and 25. They relate to the judiciary powers of the High Courts etc.

Shri N. C. Chatterjee: Let us have two hours for that.

Shri K. K. Basu: Two hours for judiciary?

Mr. Speaker: There is nothing there.

Shri U. M. Trivedi (Chittor): It will take longer time.

Shri N. C. Chatterjee: Our difficulty is that our time is limited. Otherwise we can have more time.

Mr. Speaker: So far as the judiciary is concerned, there are only three or four points there, that is additional Judges, the same High Court having jurisdiction over more than one territory etc.

Shri U. M. Trivedi: Not only additional Judges. It is dislocation of the whole system.

Mr. Speaker: I am not discussing the whole thing. We may have 2½ hours. Now we will come to clauses 17 to 20 relating to Union territories. Let us have one hour for that.

Shri K. K. Basu: It is very important.

Mr. Speaker: Hon. Member may say what exactly he wants. When I make a suggestion, any hon. Member may say this one hour is not enough, we should have 1½ hours.

Shri Kamath: One and half hours. For clauses 2 to 10 also 1½ hours.

Mr. Speaker: Clauses 2A, 21, 21A—minorities.

Shri N. C. Chatterjee: Three hours at least.

Mr. Speaker: The general discussion has been only on minorities.

Shri Frank Anthony (Nominated—Anglo-Indians): At least four hours. There are a number of minorities.

Shri U. M. Trivedi: It will require five hours.

Shri N. C. Chatterjee: Three hours.

Shri B. S. Murthy (Eluru): Three hours is not enough.

Mr. Speaker: I am afraid the hon. Member is in a minority. Clause 22—Regional Committees—1½ hours.

Shri U. M. Trivedi: Regional Committees will require three hours at least.

Shri Bansal (Jhajjar—Rewari): Three hours.

Mr. Speaker: The other clauses 23 and others.

Shri U. M. Trivedi: Regional Committees should have three hours at least.

Mr. Speaker: I give 2½ hours.

Shri Bansal: Three hours.

Mr. Speaker: Yes, three hours. Then for clause 23 and the other remaining clauses, one hour or 1½ hours. All right, two hours, it does not matter.

I shall read out the hours that have been allotted which I have noted as being acceptable to the House.

Clauses 2 to 10—one hour.

Some Hon. Members: One and half hours.

Mr. Speaker: Clauses 2 to 10—1½ hours; clauses 11 to 16, 20A and 25—Judiciary—2½ hours; clauses 17 to 20—Union territories—1½ hours; clauses 2A, 21, 21A—Minorities—3 hours.

Pandit Thakur Das Bhargava (Gurgaon): This time is not sufficient.

Mr. Speaker: Let us see if half an hour more is necessary. From 1½ it has become three.

- Clause 22—Regional Committees—3 hours.

Shri Hem Raj (Kangra): More time should be given.

Mr. Speaker: Very well.

Clause 23 etc.—1½ hours.

Hon. Members will pass on the numbers of their amendments.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The total time allotment comes to 13 hours. We have got only nine hours at our disposal for the Bill. Out of 15 hours allotted, six we have already spent. We have decided that the House will not sit beyond the 13th. What is to be done? There is another thing also which you may take into consideration. If you are going to decide that voting is to take place on the clauses separately, it will take half an hour every time, about 3½ hours.

Shri U. M. Trivedi: Extend it by a day. What is to be done?

Mr. Speaker: There is no meaning in going on extending. What I intend doing is this. We will dispose of these clauses today and tomorrow. That is, day after tomorrow we will start with a clean slate with some other business. We will adjust. If necessary, we will sit some time longer. Except where some important clause need be disposed of there and then, we will club the other clauses for the purpose of voting. We will try to minimise the time spent on voting and give as much time to hon. Members as possible. Whatever time be necessary, we will sit and dispose of all these clauses and this Bill by today and tomorrow. One or two groups will be put separately and the others may all be lumped together.

Shri K. K. Basu: Hon. Members will be brief.

Shri K. K. Basu *rose—*

Mr. Speaker: So far as clauses 2 to 10 and 11 to 16 are concerned, we have allotted 1½ and 2½ hours, that is, four hours. 17 to 20—1½ hours, that is 5½ hours in all. Now I shall get through all the clauses 2 to 10, 11 to 16 and 17 to 20 and put them in groups to vote at the end in the evening. I will put it to the House. Shall we have one voting at the end of the day for all the clauses which we dispose of today and another voting for all the clauses disposed of tomorrow? That will be convenient.

Shri H. N. Mukerjee (Calcutta North-East): Will that be in conformity with the rules to put them in a bunch?

Mr. Speaker: Either clause by clause or in a bunch, if the House agrees We have modified the rules.

Shri Kamath: Only if the House agrees.

Shri N. C. Chatterjee: It would be better if you put clause by clause but we are pressed for time. We have already got only two days. We do not know how to finish. Therefore I am suggesting that because of the force of circumstances we ought to accept the suggestion of voting at the end of the day.

Mr. Speaker: There will be two votings, one this evening and one tomorrow evening. I will put groups except where particular clauses have to be put separately.

Clauses 2 to 10

Shri S. S. More: (Sholapur): Before we proceed to the discussion on clauses 2 to 10, may I bring to your notice a sort of procedural difficulty which I experience?

Take for instance, clause 2. On page 2 there is sub-clause (2) and it replaces the Schedule No. 1 in the Constitution as it exists at present. But I will also bring it to your notice that in the States Reorganisation Bill we have bye clause 12, which is now section 12, said:

> "As from the appointed day in the First Schedule to the Constitution, for Part A, Part B and Part C, the following parts shall be substituted...."

and the whole Schedule as it exists now has been substituted by section 12 with the result that since it has received the assent of the President and it has come into operation, it becomes part and parcel of the Constitution itself. So, if anything is to be amended by the Constitution (Ninth Amendment) Bill, it will be an amendment to the Schedule as it existed before the States Reorganisation......

Mr. Speaker: No; it will be according to the States Reorganisation Act.

Shri S. S. More: My submission is this. Am I correct, if I say that the moment the States Reorganisation Bill became an Act, the Schedule of the Constitution as it existed before this particular legislation became an Act has been substituted by another Schedule?

Mr. Speaker: That is how we understand it. Therefore, this will be in substitution of the other one.

Shri S. S. More: My submission is that if amendments are to be suggested, would it not be necessary for the amendments to be suggested in this constitutional measure to be amendments to this Schedule, because today, at this particular point of time, it is not the original Schedule of the Constitution which is in existence, because it has already been displaced from its place, but it is the new Schedule which is in existence. So, if any amendments have to be suggested, they will be to the new Schedule which has been inserted by the States Reorganisation Act, and not to the old one, except that certain changes will have to be made by Government.

Mr. Speaker: What happens is that this is in substitution of the whole Schedule. If only parts of the Schedule are touched, that is a different matter. The First Schedule here is in substitution of the Schedule which has come into existence after the States Reorganisation Act in substitution of the previous Schedule. Therefore, that Schedule supersedes the earlier one, while this Schedule supersedes the later one. Now, let us see as we proceed.

Shri S. S. More: Then, the next anomaly that I would like to point out, with your permission is this. In this Schedule of the Constitution, we are referring to the several sections of the States Reorganisation Act. From the point of view of the Constitution....

Mr. Speaker: All this has been said already. The hon. Member will notice that this very point was raised long long ago.

Shri S. S. More: No......

Mr. Speaker: How do I remember it, if I had not heard it? The point is that we ought not to have reference to an Act, when we are amending the Constitution, in thise case, to

[Mr. Speaker.]

the States Reorganisation Act, which is only an ordinary law of Parliament.

It was pointed out on the earlier occasion, that under the existing law, in the Constitution itself, such a reference had been made in the case of the Andhra State and the Andhra Legislature. It is not an ordinary matter, but it is a law of Parliament which is referred to here. Let me take the First Schedule.

Shri S. S. More: I have noticed it.

Mr. Speaker: Therefore, we are only following what has already been done, and we are following a similar process. Therefore, there is no substance in this point. Let us proceed now with the clauses.

Shri U. M. Trivedi: May I make one request to you? Today, this Bill is before the House, and several of us are not only interested, but feel that it is very essential that we should be present here. But some Select Committee has been scheduled to sit today. I would, therefore, request that the Select Committee may not meet at least on the day the Constitution (Ninth Amendment) Bill is discussed here.

Mr. Speaker: Which Select Committee is it?

Shri U. M. Trivedi: It is the Joint Committee on the Copyright Bill. It can wait for two days more....

Shri Sadhan Gupta (Calcutta South-East): There is the Hindi Equivalents Committee also.

Shri U. M. Trivedi:..or if it wants to meet, it may meet after six o'clock.

Shri Sadhan Gupta: The Joint Committee on the Copyright Bill is a committee that has been constituted by the Rajya Sabha.

Shri M. S. Gurupadaswamy (Mysore): There are several other committees also which are meeting today. For instance, the Committee on Subordinate Legislation is to meet at three o'clock. So, may I request that you may give a direction that the meetings of these committees may be postponed to a future date?

Mr. Speaker: The chairman of the Committee on Subordinate Legislation is here. Hon. Members may make the representations to the chairman of the committee.

Shri K. K. Basu: If the committees also meet, then there will be no quorum here.

I have tabled certain amendments to the First Schedule in the Constitution, in respect of the renaming of certain States. First, in the case of the Madras State, I have suggested that it should be renamed as Tamil Nad, because I feel that every State should be named after the language that is being used by the people inhabiting that particular State. Similarly, I have suggested that the State of Mysore should be renamed as the State of Karnataka.

But the most important amendments of mine are those in regard to the naming of one of the Union Territories, which has so long been known as the Andaman and Nicobar Islands. As I said yesterday, in the course of my speech on the consideration motion, these islands have acquired a cerain notoriety because of their past association with persons serving life sentence or persons suffering long imprisonment and establishing jails under the penal settlement system. These islands were chosen for that purpose, by the Britishers, after the Sepoy Mutiny.

It is high time that these islands being the place where the first flag of Indian Independence was flown under the leadership of Netaji Subhas Chandra Bose, should be named after Netaji. Therefore, I suggest that these islands should be renamed as Netaji Dweep or Subhas Dweep. In fact, such a suggestion was made some time back also, but I do not know why Government had given it up. Unfortunately, Netaji Subhas Chandra Bose had a great deal of difference with the leaders of the present Government, and that is the reason probably, for Government being so allergic to the naming of these islands after him. In that case, I have an alternative to suggest, namely that these islands could be renamed as Azad Hind Dweep, Dweep being the Indian name for island. I for my part, would say that these islands should be named after Netaji, but if the leaders of the present Government find it difficult to accept it because of the differences they had with Netaji, then, I would suggest that these islands should at least be renamed as Azad Hind Dweep. But it is but proper that Netaji's name should be honoured at least by being associated with these particular islands, because it was under his leadership that the first flag of Indian Independence was flown on these islands.

Now that the First Schedule to the Constitution is being amended, and we are redrawing the political map of India, and as the Home Minister stated in the course of his reply to the debate on the States Reorganisation Bill, since at least for the time being, there should not be any further amendments arising out of reorganisation of States, and the present arrangements should be considered more or less as final—though many of us have further suggestions for further improving them—it is necessary that we should give names to the different States in such a way that the people at large will support the continuance of those names. So far as the Andaman and Nicobar Islands are concerned, I need not dilate in detail, but everyone knows the notoriety they had acquired in the political life of India, and the reason why it is necessary that they should be renamed at least now after a great and eminent Indian and one of the leaders of our freedom movement.

Then, I have an amendment to clause 3, in respect of the allocation of seats in the Council of States. Yesterday I had said in the course of my speech on the consideration motion that in the case of the new Union Territories, the Laccadive, Minicoy and Amindivi Islands, which were originally part of the Madras State, and which naturally had from the British days enjoyed whatever limited franchise the people of the old Madras Presidency State enjoyed, a change is now proposed; these are being clubbed together with Andaman and Nicobar Islands and they will get one seat in the Lok Sabha—of course, it will be filled up by nomination as is provided for in the Constitution; and as you know, even that one Member is not in a position to attend the sittings of the Lok Sabha—along with the Andaman and Nicobar Islands.

Since the Laccadive, Minicoy and Amindivi Islands are far away from the Andaman and Nicobar Islands, I would suggest at least in the Council of States we can provide for some seat to represent these islands, especially in view of the fact that we have not yet reached the limit imposed by the Constitution. So, I have suggested that one seat can be provided for these small islands, which are scarcely populated and spread out, in the Rajya Sabha at least, because, in the Lok Sabha, they will find it difficult to have any representation along with the Andaman and Nicobar Islands. I hope the hon. Home Minister will consider this because our effort should be not to withdraw the right of the people, the citizens of India, which they enjoy, of sending their representatives. We should rather extend that. In this particular case, we find, today, they can exercise their franchise by sending Members to the Lok Sabha, or as a part of the Madras State they would send a representative to the Legislative

[Shri K. K. Basu]

Assembly of Madras; but after this new amendment they will hardly be in a position to send any of their representatives either to the Lok Sabha or the Rajya Sabha at least, because, in the Andamans, though bigger in size and numbers, also will not be represented. Therefore, I have suggested that for this particular group of island there should be a representative in the Rajya Sabha and I hope thta the Minister, in spite of the bad influence of the Minister of Parliamentary Affairs, who is hearing what I am suggesting, will accept my suggestion for giving a seat to the representative of these islands.

I have an amendment in my name in clause 10. The amendment envisages that in the proviso to clause (1) the word 'fifty' shall be substituted for the word 'forty'. In the Constitution (Amendment) Bill the membership in the Legislative Council of a particular State is sought to be increased from "one-fourth" to "one-third". So, if a Legislative Assembly has a membership of 200, it can have fifty Members or so. But I do not know why the Government is so keen on increasing it to one-third. I am told that two of the States, Bombay and Punjab, have already passed resolutions suggesting that Legislative Councils should be abolished. They are merely decorative and are a drain on the Exchequer. My suggestion, therefore, is that this "one-fourth" should remain.

I have also suggested, taking advantage of the amendment to the particular clause, that the number of nominated Members in the Legislative Councils in different States should be reduced. I will give an example. In many of the States where the total membership is 72, nominated Members are nearly 12. In the Rajya Sabha where we have nearly 250 Members, the nominated number is fixed at 12. Because of the particular way in which nominations are made, and because of the particular ratio in which there is nomination, in a House with 72 Members you have nominated membership of nearly 12. In West Bengal in a House of 51 Members, I think the nominated membership is either 8 or 9 which is higher in proportion than that of the Rajya Sabha. I urged this point in the Select Committee. I again urge upon the Home Minister that this bias in the nominations should be reduced to the minimum. Therefore, I have suggested that instead of having "one-twelfth" nomination as provided for the representatives of the graduates and the teachers, that should be reduced to "one-ninth" so that the number of nominated Members in the Legislative Councils is reduced and also the membership in the Legislative Councils should not exceed "one-third", because these Legislative Councils are, more or less, a sanctuary for the defeated Ministers and political leaders of the party in power.

Therefore, I hope the hon. Home Minister will accept the suggestion for amending the Constitution strictly in line with the democratic principles.

Shri T. S. A. Chettiar (Tiruppur): I want some clarification.

Mr. Speaker: Later on. I am now calling Shri N. C. Chatterjee.

Shri N. C. Chatterjee: Sir, I am supporting Mr. K. K. Basu's suggestion that Andaman and Nicobar islands should be called 'Netaji Dweep' or 'Subhash Dweep'. It will be paying a great tribute to the sacred memory of one of India's greatest sons. You know, Sir, he conquered these islands.

An Hon. Member: Liberated.

Shri N. C. Chatterjee: He liberated these islands. I am sorry my friend has referred to the conflict, a cleavage, between Netaji and the present leaders who sit opposite. I wish he had not said that because, we also remember that there are people who used to shout that Netaji was Quisling, was a traitor, was an ally of fascists. I am happy that they are now moving in Parliament that these Islands should be named after him. This is an appeal to the hon. Minister in-charge of this Bill and I can assure him that he will be paying respect to the sentiments of the millions of people not merely in Bengal and Orissa, the province of his birth, but throughout India.

My friend Mr. Kamath has suggested that they should be called Swaraj and Shaheed Islands. These are the names that Netaji himself had given them. I remember aright he had appointed distinguished Indian, I think a Bengali, Major General Chatterjee and nominated him as the Governor of these two islands when they were liberated and when he visited them. I remember having seen a film in which Netaji had actually gone down from the steamer while paying his first visit to these islands and there was a thrilling enthusiasm which every one of us should remember. But unfortunately ultimate fusion could not happen and things took a deep turn. Still, the time has come, when we are fashioning the Constitution and naming the States, for the last time I hope; this is a historic occasion when we should do our duty to Netaji and honour his memory. We do not know what has happened to him. That is still a mystery. But I shall not go into that. But still I am supporting that these Islands should be called either "Netaji Dweep" or "Subhash Dweep" and I hope that this suggestion would be accepted by the hon. Minister.

Shri Kamath: Mr. Speaker, I have amendments 160, 161 and 162 standing in my name. I shall briefly state the reasons for moving these amendments. Amendment 160 seeks to substitute the word "Provinces" for the word "States", wherever that occurs in the Bill. You will recall, Sir, that in the Constituent Assembly in which you played an important role, an amendment was moved and one hon. Member suggested, that the word "States" should be changed into "Pradesh" and another suggestion was that the word "Provinces" should be retained. The word "State" has been used in so many different connotations in the Constitution. I think it is not too late to restore the original word "Provinces" which we had in the olden days so that we may at least lessen, if not obviate, the confusion that arises with the use of the word "States" in different connotations and different meanings. My hon. friend in this House, it was Smt. Maniben Patel, in the course of the discussion on the States Reorganisation Bill made this suggestion, and I would, therefore, urge that this amendment might be accepted by the House. I have found from the list before us that other colleagues of mine here have sought to substitute the word "States" by the word "Pradesh". I remember in the Constituent Assembly, the Congress Party, the only organised party, then, at a meeting unanimously agreed that the word "Pradesh" should be substituted for "States". But later on, I recall—and you will also recall,—the Prime Minister made a statement in the Constituent Assembly opposing the suggestion and accordingly it was dropped. But, Sir, may I, on this occasion again point out the desirability of having the word "Provinces"? It is more expressive to my mind. The word "States" has got a different association. In our own India. the States, during the ancient regime, during the British regime, were not happy entitles and the word "States" is also very "American", the United States of America. I would, therefore, suggest that all the administrative groupings or entities should be named 'Provinces' rather than 'States', and it is not too late to amend the Constitution in this regard.

I now come to the other two amendments, Nos. 161 and 162. While I support my hon. friend with regard to his amendments—I would be happy if one of them is accepted by the House—at the same time, if none of them is aceptable to the House, I would suggest that one of these two amendments of mine may be accepted by the House. I did a bit of re-

[Shri Kamath]

search in this matter, not very high research, but an ordinary one......

Dr. Suresh Chandra (Aurangabad): As usual.

Shri Kamath: The Encyclopaedia Britannica Vol. I, latest (1953) edition, has got a brief note on the history of the Andaman and Nicobar Islands. I will not read the entire paragraph of the note. But I would invite your attention and the attention of the hon. Minister and the House to these two sentences:

> "The name is probably"—he is not sure of course—"derived from the Malay Handuman, coming from the ancient Hanuman (monkey)...."

Shri S. S. More: Does the Encyclopaedia Britannica say that?

Shri Kamath: For the benefit of my hon. friend, Shri S. S. More, I shall read it again:

> "The name is probably derived from the Malay Handuman, coming from the ancient Hanuman (monkey)...."

Of course, within brackets—that is not very pleasant—it is written 'monkey'. Hanuman is certainly not a monkey. He is a *Bhakta Shiromani*. With you in the Chair, Sir, I need not dilate on that.

Mr. Speaker: I am only sorry he has called him 'monkey'.

Shri Kamath: We should write to the editor of the Encyclopaedia Britannica. I would request you to write to him.

Shri S. S. More: He should have at least written "monkey God".

Shri Kamath: We know Hanuman's name is eminent in our mythology, may be history. But, Sir, as we are living in modern times—only yesterday we had a question on modern ideas about which you gave a very salutary ruling and a very enlightening ruling, that everybody knows what modern ideas are—as we are living in a modern age, we might want modern names or terminology.

So far as this matter is concerned, may I also invite your attention to this fact? The capital or headquarters of the Islands, Port Blair, has been named after a person of recent times, Capt. Blair, a British administrator or army officer, who was in charge there. But after the dawn of freedom, it is high time, as my hon. friends, Shri K. K. Basu and Shri N. C. Chatterjee have suggested, that we change the name of these Islands so as to suit modern conditions and modern history.

Shri M. S. Gurupadaswamy: Modern ideas also.

Shri S. S. More: Has Hanuman ceased to be a modern God?

Shri V. G. Deshpande (Guna): He is a *chiranjivi*.

Shri Kamath: I do not wish to join issue with my hon. friend, Shri S. S. More, on Hanuman. But I would leave it to his mature judgment to decide whether Hanuman is ancient, medieval or modern, and would proceed further with the present amendments before us.

Shri S. S. More: My hon. friend is jumping like Hanuman from one subject to another.

Shri Kamath: I do not know about that.

Mr. Speaker: I am afraid this reference to Hanuman and jumping makes the reference there in the Encyclopaedia Britannica worse.

Shri Kamath: I only wish that Shri S. S. More himself could jump more often into this House from the Central Hall where he is frequently found these days.

Now, I come to the amendments, Nos. 161 and 162. My hon. friend, Shri N. C. Chatterjee, invited the attention of the House to the fact that Netaji after liberating these Islands named them as 'Swaraj and Shaheed Islands'. May I be pardoned if I narrate a little history with regard to this? It was not an ordinary christening. It was a ceremony in 1944. I am not sure whether General Chatterjee or General Lokanathan was appointed Administrator or Governor of the liberated Islands which were renamed 'Swaraj and Shaheed Islands'. The meaning of these two words is obvious; I need not elaborate that particular point. So many martyrs sacrificed their lives during the British regime in those islands and their sacrifices paved the way largely, though not wholly, to Swaraj. It is in the fitness of things that the Home Minister today should accept either, one of the amendments of my hon. friend, Shri K. K. Basu, seeking to rename them as 'Netaji Dweep' or 'Subhas Dweep' or 'Azad Hindi Dweep', or, if none of them is acceptable, I have got one more amendment which, I am sure, will commend itself to the House Minister and to the House and to the majority party here. That is amendment No. 162.

Amendment No. 162 says:

> "*For* 'Andaman and Nicobar Islands' *substitute* 'Jawahar and Subhas Islands'".

These two names have been closely associated with the history of our freedom struggle—the names of Jawaharlal Nehru and Subhas Chandra Bose—and their association has now acquired almost historic importance. They fought and struggled together though later, during the last phase, they parted. Netaji Subhas Chandra Bose from outside India made an onslaught on British Imperialism and Jawaharlal Nehru from inside India also played an eminent role in the freedom struggle.

I would, therefore, appeal to the House that to commemorate our recent history, we might rename these Islands, if none of the other amendments is acceptable to the House, as 'Jawahar and Subhas Islands'.

Shri T. S. A. Chettiar: I would like to refer, in brief—because these are matters which have already been discussed—to item 7, that is, Madras. You know that during the discussions this matter was raised. Originally the SRC had recommended that the whole of the Shencottah taluk must go to Madras. Later, it was decided that certain portions might be retained by Travancore-Cochin. But while making the decision, it was found that it was not done in a manner which reflected the wishes contained in the instructions. The Chief Minister of Madras wrote a letter to the Government of India in the Home Ministry suggesting that what had been done had not been done quite properly, and that the matter must be gone into. But as the stage at which this letter arrived was rather late, it was not possible for us to give effect to this.

The Minister in the Ministry of Home Affairs had promised to this House that he would refer the letter of the Chief Minister of Madras to the head of the T. C. State and see what could be done in that matter. I understand the letter has been written. May I know what is being done in that matter, whether they have received any reply and whether they expect to take any action on the points raised by the Chief Minister of Madras with regard to that portion of Shencottah which is due to be joined to Madras but which has not been actually done under the States Reorganisation Act? So I would like to have clarification on this matter.

Another matter has been raised by my hon. friends on the other side. We all appreciate the great services of Netaji Subhas Chandra Bose. My only fear is that it will only be a very poor memorial for the acts of that great man. But if this will satisfy millions of people this should be accepted. I have nothing more to add.

Shri Damodara Menon (Kozhikode): I want to refer to the Laccadive, Minicoy and the Amindivi Islands which are to be Union Territory according to the Bill. Sir, these islands form part of my constituency of Kozhikode now. The inhabitants of these islands are voters in the Parliamentary constituency. The Home Minister said yesterday that here would be provision for representation in Parliament for these Union Territories. But he did not make any specific mention of how these Laccadive, Minicoy and Amindivi Islands are to be represented. The population of these Islands is only about 18,000. Shri K. K. Basu suggested that they may be given representation in the Rajya Sabha. I do not agree with that; that would not be the correct procedure. Already they are voters and it would be wrong if we deny them the right to send their representative to Parliament.

For the Andaman and Nicobar Islands, there is already a representative in Parliament. As these Islands of Laccadive, Minicoy and Amindivi, form part of my constituency and I have been representing them, I would suggest to the hon. Home Minister that he may give one representative in the House of the People for these Islands; or in the event of his being unable to do so because of their small population, then, for the purpose of representation in the House of the People, the Union Territory of Laccadive, Minicoy and Amindivi Islands shall be treated as forming part of a territorial constituency of the Kerala State. These Islands lie about 200 miles off the coast of Malabar and they have also representation today in the Madras Legislature. We are taking away both these and they would be denied the right of representation. That would be a very hard and unjust thing. Therefore, I appeal to the hon. Home Minister either to make a statement here clarifying this position that they will get representation in Parliament, at least one seat, or in the event of their population not justifying one seat for them in Parliament, he would see that they form part of a Parliamentary constituency of the Kerala State, as it is today.

Shri S. S. More: Sir, I want to oppose the amendment which has been tabled by my friend Shri Kamath. There is none here who can effectively plead the cause of Hanuman, and, therefore, I think it my duty to oppose the amendment suggested. Andaman is just the Malayan word for Hanuman. That shows the reputation of Hanuman and his godhood was even accepted by millions of people outside; and if we just now tamper with this name, we shall be offending the religious sentiments of people who are outside the bounds of India.

There is another reason. I am shocked to hear this amendment coming from Shri Kamath who is also a bachelor, against Hanuman who was a permanent bachelor. At least Shri Kamath is expected to have some regard for those who have been wedded for generations and ages to bachelorhood (*Shri N. C. Chatterjee*: Celibacy) or celibacy. But modern ideas, for which he also pleads, are strange; they are supposed to go against the principles by which we are standing by pleading with tall talk. (*Interruption*).

There is one more reason. If we start this practice of changing names and territories which are in existence for ages, then we do not know—at least I do not know—where we shall land. A proposal may come that Uttar Pradesh may be named after the person who has served that Pradesh for many decades in a very meritorious manner. A proposal may come that the whole of India, that is Bharat, may have some other name, the name of one who is very much respected, universally respected in this country.

An Hon. Member: Bharat is also a name.

Shri S. S. More: It would mean that after every generation, the names of these territories will be undergoing.

changes according to the great popularity which would be commanded by different persons. Once the practice is started, I fear, I may have some chance of getting some territory named after me (*Interruption*). But I do not want to have that privilege. I, therefore, very stoutly oppose the amendments which have been moved by my friends Shri Kamath and Shri Basu.

I welcome the appreciable change which has come over the communist party of appreciating the services of Shri Subhas Chandra Bose and it is a change which all must appreciate.

डा० सुरेश चन्द्र : अध्यक्ष महोदय, इस क्लाज के बारे में मुझे यह कहना है कि यह "स्टेट" का लफ्ज है उस के कारण काफी कंफ्यूजन अथवा धुंधलापन हमारे मनों पर पड़ता है । हमारे मनों पर ही नहीं बल्कि बाहर के देशों के लोगों के मनों पर भी ऐसा ही प्रभाव पड़ सकता है, कि शायद हिन्दुस्तान एक राष्ट्र नहीं है । इसलिये मैं समझता हूं कि "स्टेट" शब्द को हटाकर "प्रान्त", "प्रदेश" या दूसरा कोई शब्द रख दिया जाये तो उससे हमारे देश का काफी नाम और गौरव होगा, और आज जो संकुचित भावना हमारे यहां आ गई है कि अपने अपने प्राविन्स की बात को ही हमेशा कहा जाये, इस परिवर्तन को कर देने से उस के स्थान पर दूसरी भावना आयेगी और पूरे देश की स्वायत्तता को बढ़ाने की ओर हमारे कदम बढ़ेंगे । इसलिये आप "स्टेट" शब्द को हटा कर "प्रान्त" या दूसरा कोई नाम रख दीजिये ।

दूसरी बात जो कही गई है वह अण्डमान और निकोबार द्वीपों के बारे में है जिन के लिये कहा जाता है कि नाम परिवर्तित कर दिये जायें । श्री मोरे साहब यहां नहीं हैं, लेकिन उन की बात मेरी समझ में आई नहीं । उन्होंने काफी मजाक में हनुमान और अण्डमान की बात कही । मैं समझता हूं कि श्री कामत ने काफी अनुसन्धान अथवा रिसर्च कर के इस बात को बताने की कोशिश की थी कि उसका इतिहास वहां के रहने वाले आदमियों का इतिहास है, उसका मतलब कोई सिर्फ हनुमान से नहीं था । वह एक मजाक की बात मान ली गई । मेरा ख्याल है कि जब हम दूसरे प्रान्तों के नामों में परिवर्तन कर रहे हैं, जैसे हैदराबाद का नाम परिवर्तित हो रहा है, हैदराबाद के साथ मेरा भी ताल्लुक है, अगर उस का नाम परिवर्तित होता है तो उसमें मुझे कोई ऐतराज नहीं, हैदराबाद का नाम कोई बहुत अच्छा नहीं है, इसी तरह से और भी जगहें हैं जिन के नाम बदल रहे हैं । ऐसी हालत में अगर इन द्वीपों के नाम बदल जाते हैं तो कोई हर्ज नहीं है । किसी भी देश के इतिहास के अन्दर जब एक पृष्ठ के बाद दूसरा पृष्ठ लिखा जाता है तो उस पृष्ठ के साथ नामों का भी परिवर्तन होता है । जब हमारे देश में स्वराज्य के लिये संघर्ष हुआ है और काफी प्रयत्नों के बाद हमें स्वराज्य प्राप्त हुआ है, तो मैं समझता हूं कि यह आवश्यक है कि हमारे यहां के नाम परिवर्तित हों । न केवल नामों का ही परिवर्तन हो बल्कि जो हमारे गांवों तथा शहरों की रूपरेखा है, जो नक्शा है, उस को भी बदलना चाहिये । मेरी समझ में यह बात नहीं आती कि भारतवर्ष के स्वतन्त्र होने के बाद भी राजधानी में जिन गवर्नरों, वाइसरायों और जनरलों ने अपने शासन में हमारा शोषण किया उन की बड़ी बड़ी मूर्तियां हों । यहां क्या कहीं भी हों, कलकत्ते, हैदराबाद, बम्बई कहीं भी, तो यह हमारे लिये बड़ी शर्म और अफसोस की बात है । यह चीजें किसी भी दूसरे देश के अन्दर नजर नहीं आती हैं । इसलिये मैं समझता हूं कि परिवर्तन होना आवश्यक है । जब हम कहते हैं कि हम एक प्रगतिशील देश हैं और तरक्की की तरफ जा रहे हैं, उन्नति की तरफ अग्रसर हो रहे हैं, तो यह परिवर्तन अवश्य करने चाहियें ।

स्टेट्स रिआर्गेनाइजेशन बिल के जरिये बहुत से परिवर्तन हमने कर लिए हैं, एक प्रान्त को हम दूसरे प्रान्त में मिलाने जा रहे हैं, बहुत

[डा० सुरेश चन्द्र]

से प्रान्त नहीं भी मिलना चाहते, उनको भी हम मिला रहे हैं, कहीं पर हम बाइलिंगुअल प्रान्त बना रहे हैं और कहीं पर मल्टी-लिंगुअल बना रहे हैं तो मैं समझता हूं कि जो दूसरे परिवर्तन हम करना चाहते हैं उनको भी हम कर दें। मैं समझता हूं कि इन परिवर्तनों ने हम में एक कनफ्यूशन सा पैदा कर दिया है। मैं चाहता हूं कि हम इस कनफ्यूशन को दूर करें और उसको दूर करने का तरीका मैं आपको बतलाना चाहता हूं। अण्डमान और निकोबार आइलैंड्स में जब हिन्दुस्तान आजादी की लड़ाई लड़ रहा था, एक कदम उठाया गया था जिस में आज़ाद हिन्द फौज का बहुत बड़ा हाथ था। आज हम आज़ाद हिन्द फौज को भूल जायें ......

1 P.M.

श्री कामत : नहीं भूलेंगे।

डा० सुरेश चन्द्र : लेकिन मैं समझता हूं कि हिन्दुस्तान के लोग इसे कभी नहीं भूलेंगे। यह पार्लियामेंट चाहे उसको भूल जाए....

श्री कामत : हरगिज़ नहीं

डा० सुरेश चन्द्र : लेकिन जब तक भारतवर्ष स्वतन्त्र रहेगा तब तक हिन्दुस्तान के लोग आज़ाद हिन्द फौज को नहीं भूल सकते। आज हमें मानना ही पड़ेगा कि हम आज़ाद हिन्द फौज को भूल चुके हैं.............

श्री कामत : गवर्नमेंट भूल चुकी है।

डा० सुरेश चन्द्र : लेकिन मैं आपको याद दिलाना चाहता हूं कि वह आज़ाद हिन्द सेना ही थी जिसने सबसे पहले अंडमान और निकोबार आइलैंड्स में आकर भारत का तिरंगा झंडा फहराया था। इस पार्लियामेंट के ऊपर यह झंडा बाद में फहराया गया लेकिन वहां पर इसे पहले फहराया गया था। उस वक्त आज़ाद हिन्द फौज का नेतृत्व नेताजी सुभाष चन्द्र बोस के हाथ में था। वह वहां आए थ और उन्होंने उसको स्वतन्त्र किया और आज़ाद हिन्द फौज के लोगों ने उसे अपने खून से सींचा। आज मैं समझता हूं कि हम उस नेता की स्मृति को कायम रखें और उन शहीदों की स्मृति को को कायम रखें जिन्होंने भारतवर्ष की आज़ादी में योग दिया है। आज इसका कुछ पता नहीं कि आया सुभाष चन्द्र बोस मर चुके हैं या जिन्दा हैं। इसके बारे में हमें तभी पता लगेगा जब जो कि कमिटी बैठी हुई है वह अपनी रिपोर्ट प्रस्तुत कर देगी। हमें किसी भी सूरत में उनकी स्मृति को नहीं भूलना चाहिए। सुभाष बोस क्या चाहते थे? उनकी हमेशा यह ख्वाहिश रही थी कि हिन्दुस्तान आज़ाद हो, भारत स्वतन्त्र हो। इसी के लिए वह जिये और अगर वह मर चुके हैं तो इसी के लिए मरे हैं। हम उनकी स्मृति में इन द्वीपों का नाम वही रखें जो उन्होंने स्वयं रखा था। उनकी यह ख्वाहिश कभी नहीं थी कि उनकी मशहूरी हो और उनके नाम पर जगहों के नाम रखे जायें। मुझे उनके साथ काम करने का सौभाग्य प्राप्त हुआ है और मैं यह निश्चयपूर्वक कह सकता हूं कि उनके हृदय में कभी भी यह आकांक्षा नहीं थी, कभी भी उनकी यह इच्छा नहीं थी कि उनके नाम को आगे बढ़ाया जाए। इस वास्ते भी मैं यह चाहता हूं कि उन दी नामों की जो कि उन्होंने दिए थे उनको हम स्वीकार कर लें। अगर गवर्नमेंट इनको स्वीकार कर लेती है तो मैं समझता हूं कि एक बहुत ही अच्छा कदम वह इस दिशा में उठायेगी। इस वास्ते मैं इस पर बहुत जोर देना चाहता हूं और कहना चाहता हूं कि जिन लोगों ने भारत की स्वतंत्रता के लिए अपने आपको बलिदान कर दिया उनके नाम पर ही इन द्वीपों का नाम रख दिया जाए। उनके बलिदान से पहले और भी बहुत से लोग थे जिन्होंने भारत की आजादी के लिए अपने आपको बलिदान कर दिया, इस चीज़ को भी हम कभी नहीं भूल सकते। अगर हम यह चाहते हैं कि हम नेताजी के नाम को भी भूल जायें तो हम उनके नाम को भूल सकते हैं लेकिन जिन लोगों ने भारत की स्वतन्त्रता के लिए अपने आपको बलिदान कर दिया, उन शहीदों को हम कभी नहीं भूल सकते। हमें उनकी याद अपने दिलों में हमेशा

ताजा रखनी होगी । उनकी स्मृति में हमें कुछ न कुछ अवश्य करना होगा जिससे कि आगे चल कर जो हमारी दूसरी जैनरेशंस आयें उनको एक प्रकार से इंस्पिरेशन मिलता रहे और जिस से वे समझें कि ये वे लोग थे जिन्होंने देश की स्वतन्त्रता के लिए अपनी जान की बाज़ी लगा दी और देश को स्वतन्त्र करा के छोड़ा । जिन्होंने अपने आपको बलिदान किया वे न सिर्फ इसी देश में रहने वाले थे बल्कि दूसरे देशों में रहने वाले भी थे । मैं चाहता हूं कि इन नामों को बदल कर हम इनका नाम शहीदों के नाम पर रखें, ताकि उनकी स्मृति को हम अपने दिलों में ताज़ा रख सकें ।

The Minister in the Ministry of Home Affairs (Shri Datar): May I bring it to your notice that there are certain Government amendments in respect of this group of clauses, that is, clauses 2 to 10? For clause 2, there are two amendments Nos. 126 and 127; for clause 3, there are two amendments Nos. 128 and 129; for clause 8, there is amendment No. 130.

Shri V. G. Deshpande: I associate myself with the sentiments expressed by Shri Basu and by my revered leader Shri Chatterjee. Leaving aside the humorous suggestion of Shri Kamath that it should be named after Pandit Jawaharlal Nehru—I hope it is not very seriously made—

Shri Kamath: And Subhas.

Shri V. G. Deshpande: I am not dilating much on that point. I am associating myself with the sentiments expressed by the revered Members.

I have my own amendments Nos. 93 and 94. By one amendment I am making a suggestion that the islands should be named as 'Hutatma Dwip'. It is the same sentiment which my friend, Shri Basu, had expressed, and it was very ably supported by Shri Kamath and Dr. Suresh Chandra, because these Islands have been the islands of martyrs for the last one century. We know that there are many names whose names even we do not know, right from Vasudev Balwant Phadke up to the unknown soldiers who died in those islands. We have the other name 'Hutatma Islands', and those who are fond of Urdu may have it as 'Shaheed Islands' I do not mind. The sentiment is there that the martyrs have sacrificed their lives for the nation, and therefore, the Islands should be named as 'Martyrs Islands'.

So far as the name is concerned, I have no objection. In fact, I would like, but I am not hopeful and our Government, while paying lips sympathy, has always avoided even to have a smallest monument of Netaji Subhas Bose. Even if he is living, I do not think there is any harm if any suitable monument or memorial is erected in his name. Therefore, with great fear I have given other alternatives also. I know that it is a bitter pill to be swallowed by the Government—I have given the name of 'Veer Savarkar and Bhai Paramanand Islands'. I know that these names are of great martyrs who have suffered on these very islands, and those who visit those Islands always remember these two names. These two names are still remembered in these Islands. When Subhas Chandra Bose went to Port Blair, the first sentence he uttered was: 'When I come to this Island, I remember the name of Veer Savarkar and the galaxy of martyrs who have sacrificed their lives'. I am not suggesting the name of Veer Savarkar in order to make his name more holy in this land. But Savarkar and Bhai Paramanand were brave martyrs who have suffered in these Islands. I have given these names. But, as I said in the very beginning, I think that Subhas Chandra Bose can equally symbolise all these martyrs who have suffered in these islands. Therefore, any name is good, whether it is Subhas Chandra Bose, Veer Savarkar, Bhai Paramanand or any other name from those martyrs who have suffered. There are other names also—Hutatma Dwip or Shaheed Dwip. Any name would do, and I know the senti-

[Shri V. G. Deshpande]

ment, unanimous sentiment, of the House and the old man Hanuman, whatever be the root meaning, has a very sacred meaning to me. I do not think that Hanuman is old. According to my belief, Hanuman is *chiranjeevi;* there are seven *chiranjeevis* who are still living and Hanuman is perhaps living also. Therefore, I do not think that Hanuman is gone, but still the name has been so much corrupted that had it been Hanuman, I would have thought twice or even ten times before changing the name because I do not want to joke at the cost of that sacred name.

What I am saying is that about Andaman and Nicobar, the Indian sentiment is that these two islands are associated with the movement for freedom in this country and a very large number of martyrs have sacrificed their lives; there are bones of our martyrs in that land, and therefore, we want that in the new set-up of things, the name must be changed. The best name would be that of Subhas Chandra Bose among the martyrs whose names I have suggested. Or you might have the simple name 'Hutatma Dwip' or 'Shaheed Dwip' for these islands. I think that Government will respond to the request which is made by all sections of the House.

Apart from these suggestions, I have two suggestions to make regarding these names. As was suggested, I do agree that the name should not be 'State'. About the point whether the name 'Pradesh' is the correct translation of 'Province', I have my own doubt. I think Pradesh is bigger than Province and Prants are Provinces. Whatever be the translation of Province that should be used in place of 'State'. Because, we do not want that there should be a large number of States. India itself is a State. There is one State, one nationality, one citizenship. Consistent with this idea, I feel that pradesh or prant or any other name may be replaced.

I have a request to make to the Home Minister who is a lover of Hindi and who does not like to corrupt the names. I know in U.P. the name of Kanpur was changed by the Britishers; there was the corrupt name. Similarly, Mathura was named as Mathra. There is the new name of a great State which is being formed to have a national solution of a national problem. I want that Bombay should not be the name of that State. It should be Mumbai Pradesh or any other Indian name given by the masses. Or, I feel that the name of Gujerat and Maharashtra should not completely go from the map of India. Therefore, if the Home Minister can see his way to call it by some name, just as, the Union of Maharashtra and Gujerat or the Maharashtra-Gujerat Pradesh, I would be happy. If that suggestion is not acceptable, at least call it Mumbai Pradesh and not Bombay Pradesh. That has been my complaint against the Hindi-speaking people. As I had told the Railway Minister, the name Kalyan was changed to Hindi and they made it Kalyana. In Marathi, it was called Kalyan; the Marathi name, Kalyan, is written there but the Hindi name reads as Kalyana; it has become corrupted. That should not be the idea of the Hindi language. Similarly, I would wish to name West Bengal as Bangla. The name of Orissa may also be changed to Utkal as was done in the case of the Utkal Congress Committee. These names are known to millions of people and everywhere the names should be such as are known to the people. These are the only two suggestions that I have to make with regard to this Bill.

Shri U. M. Trivedi *rose*—

Mr. Speaker: Tripathi.

An Hon. Member: Trivedi.

Mr. Speaker: Yes, Trivedi. But, both mean the same thing.

Shri U. M. Trivedi: Both may mean the same thing but we come from different places.

Personally speaking, in a democracy I do not believe in colonisation. The change in the names of Andamans and

Nicobar islands, suggested by my hon. friends, with the best of motives and very high ideals, should not be decided by this Parliament. The names were given by the British and any change in their names should be left to be decided by the people there. There are some original inhabitants of that place. We do not claim to be the conquerors and we are not establishing colonies anywhere. It will be meet and proper for us to allow the aborigines and the original inhabitants of that place to decide what the name of the place, where they dwell, should be. They must have their own names in the pradesh or prant where they live.

Of course, there is great force in what my friend, Shri V. G. Deshpande has suggested, namely, that the name of Shri Savarkar could always be associated at least with the place where he had been kept imprisoned and to which he was sent after having been sentenced three times to death. It is in great agony that that patriot passed his days in Andamans and it is meet and proper that efforts must be made by our Government to change the name of this port—Port Blair, the name of an Englishman—to Savarkar Port. Something of that nature should also be done with reference to our great leader, Subhas Chandra Bose.

Apart from that, I am emphatically of this opinion that no action should be taken by us to suggest that we are a people of some conquering type and we want to conquer others and colonise those whom we have conquered. There is no such feeling. If we are here to make suggestions about Orissa being named as Utkal or Andhra being called Andhra or Bengal being called Bangla, we have absolutely no justification whatsoever to change the name of Andaman and Nicobar. It should be done by the people who inhabit that place.

I have one or two other suggestions to make. I do not know how and who formed this terminology in the First Schedule. The name Andhra Pradesh is put down. Why not Andhra? Why add this 'Pradesh'? I cannot understand. If Assam is not called Assam Pradesh and Bihar, not Bihar Pradesh, why should the word Pradesh be put here? There is some reason for putting the word Madhya before Pradesh in Madhya Pradesh; here it represents an area; it is an adjective indicating particular position. It cannot be so in the case of Andhra. Andhra itself is a prant; it is a State. So, the word 'Pradesh' should be taken away.

Somehow or the other, by translating these words into English or reading it out in English and not reading it in our own language, we create difficulties about the various nomenclatures. Only yesterday, I was reading a newspaper and a particular theft was reported to have taken place between Ratlam and Dohad. Dohad is a very famous place in the history of India, where a battle between Gujerat and the Malwa Muslim rulers was fought. It was reported in a leading Hindi daily the editor of which is a great literary man, but he was inadvertently coining a new word in Hindi from English; the editor wrote दोहाड for दोहद which means two borders. This difficulty will come in the way. Orissa may call itself Utkal; there will be no objection. If no sentiments come in the way, the bilingual State of Gujerat and Bombay and Maharashtra may be called Paschim Prant. A time may also come when Bengal may like to merge with Assam, Bihar and Orissa and we can then call it Purvi Prant. Something of this nature, some savour of our culture should be put on the names.

There is one more pertinent point. I refer to item 15 on page 3—Jammu and Kashmir. Here, we have stated that the territory is the territory which immediately before the commencement of this Constitution was comprised in the Indian State of Jammu and Kashmir. I most respectfully submit that the history, as it is, cannot be forgotten. In the year of Grace 1943, a part of the territory

[Shri U. M. Trivedi]

was seized from us. We are saying that there is cease-fire line. What was the territory at the time of the commencement of the Constitution? Not that which originally belonged to the Indian State of Jammu and Kashmir —somebody may try to interpret it that way. So, I suggest that some suitable amendments should be made, so that the territory as it existed in August 1947 should comprise the territory of Jammu and Kashmir.

One big omission has taken place when the SRC Bill was rushed through. We flushed about the great achievement on that day in bringing about some sort of an harmony by creating a bilingual State of Bombay. We had forgotten to take into consideration the French territories that have come to us. There is absolutely no provision here for making any suggestions whatsoever as to where Mahe comes in, where Yenam comes in, where Karaikal comes in and where Pondicherry is fitted. I would, therefore, suggest that stock must be taken of that position today and they should not be left out from the Schedule which we are now finally preparing for our country as a whole. When the reorganisation of States has taken place, when the Constitution is being changed and when these form part of the territory of India, we should not leave out these areas at all.

Sir, I have given notice of an amendment. I am referring to amendment No. 6 to clause 4. I have suggested this to the amendment proposed to article 81. My own idea is that we should not go on enlarging the number of seats in the Lok Sabha. We must keep this number at 500. My own suggestion is that we should have this number always fixed, and if this number is fixed once and for all, we need not have to make any changes by the fluctuations of the population and through the addition of this: "not more than twenty-five members to represent the Union territories, chosen in such manner as Parliament may by law provide". Instead of saying: "as Parliament may by law provide", I should say that the law must be embodied herein. The way in which they have to be chosen must be of the same type as that for choosing other representatives. I would also say that there should not be an extra 25 members who will come into the picture, but the members from the Union territories must be amongst the 500 who are to be chosen for the whole country.

If we want to establish a form of democracy in our country, that form must be a uniform form and it should not vary from place to place. The distinction or discrimination which is being contemplated by making this provision, that so far as election of members from the various States to the Lok Sabha is concerned we will have one particular method and for the election of members from Union territories we will have another form, is bad. If we adopt such a distinction that will be a very bad day for us. We do not know what type of electoral colleges will be made, and a very close ring might be created by the Government of the day to allow certain stooges to be elected from the Union territories. It is, therefore, desirable that it should be specified by what method they are to be elected. That method of election or the law in that connection should not be different in any manner from the law which is going to obtain in the rest of the country.

There is one other amendment to which I want to draw the attention of the House and that is with reference to the provisions in clause 5. According to the article as it stands today, if any covenant, treaty, agreement, engagement or *sanad* provides for any right to be vested in a third party, which we call in law *Jus Tertii*, that party can always take advantage of a particular right created in the third party by virtue of the provisions contained in the treaty, covenant, engagement or *sanad*. The new proviso which is sought to be substituted says that no such right will be exercisable by anybody who may be a third party. My own contention is this. It is well and good if it is between a ruler who entered into a covenant and the State which has now come into being or the State which was then in existence. If any such dispute arises by virtue of that particular covenant or treaty, we can say that it could not be a matter of adjudication; let it not come up before a court, let the parties negotiate among themselves or do what they like. But so far as another man's right, the right of a third party is concerned, to deprive that party of the right of adjudication as provided for in article 131, is trying to go beyond it.

My submission, therefore, would be that the Government has ample time to take stock of the situation and not deprive the ordinary third party of the rights that may accrue to them or may have accrued to them by virtue of the provisions contained in any covenant. Already the people are suffering a good deal of hardship and litigation is becoming costlier day by day. The interpretations that are being put on the provisions of article 131 of our Constitution have not been uniform so far. Yet, when this proviso is added, it will deprive the people of the right to enforce the rights which vest in them. My suggestion, therefore, is that the old provision must continue to exist with this clarification that the third party who have any right flowing to them from the provisions under this may be allowed to enjoy the same.

Shri Anandchand (Bilaspur): Mr. Speaker, Sir, I will only speak a few words on the new article 81(1)(b) as given in clause 4 of this Bill. The sub-clause as it stands just now provides for 25 members to represent the Union territories. In place of that, in the original Bill we had 20 members. But when Bombay came in as a Union territory this provision had to be slightly modified and the Joint Committee put in a ceiling at 25. Now that Bombay has happily gone into a bilingual State, I think there is no reason to keep this figure as 25, especially because the present allotment of seats to Union territories is limited to 15. Therefore, if we have 5 extras to 15 for other territories that may come, I think we should revert to the original number of 20, and that is the amendment which I have suggested.

In this connection there is another point which has been raised by Shri U. M. Trivedi. He has expressed apprehension that the members coming from these Union territories would be selected or elected by a method other than proposed for election of members to the Lok Sabha from other territorial constituencies in the States. I think he is labouring under a misapprehension. If he reads the words in sub-clause (b) it says: "chosen in such manner as Parliament may by law provide". It is not the Government of India or the Home Ministry which is going to prescribe the method or mode of election of these members; it is the Parliament itself which is going to provide for it, and I am quite sure the Parliament can safeguard or see to it that these people are elected on the basis of adult suffrage, in the same manner and through the same process as the other members of this hon. House will be elected. The only difference is that, because these territories are not going to have any legislative assemblies, therefore we have to give a certain amount of weightage to them as the Houses of Parliament are the legislatures for these territories.

He had certain suggestions to make about the maximum number of members, the number of members of Lok Sabha being fixed at 500 and adjustments being made accordingly. As I see at the present moment the States provided for in the States Reorganisation Bill, I think the representatives from the States will be filling up something like 486 seats, if I am not mistaken. The hon. Home Minister said that in all there are going to be 501—486 from States and 15 from the Union territories. If we have got 486 members the basis of representation in the House has gone to somewhere like 7.3 lakhs—I think it is single

[Shri Anandchand]

member constituency. It is already quite large; seven lakhs of people are there for each representative. Therefore, with our growing population I fear that this ratio has to be further increased. So it would be difficult to fit in if the ceiling is placed at 500. My submission is that the Union territory clause has now been split up really to get over that difficulty. The ceiling of 500 in respect of States is to allow for certain fluctuations in population that might come in from the States and the 20 extra members for the territories have been provided so that they do not come in the way of other members coming from other States. That is all I have to say about this matter. I trust that, as it is a consequential amendment, the hon. Home Minister will accept it.

Mr. Speaker: Before I call upon the next speaker, I may announce the selected amendments to this group of clauses, which have been indicated by the Members to be moved, subject to their being otherwise admissible. They are as follows:

Clause 2 ..	160, 126 (Govt.), 137, 127 (Govt.), 138, 139, 4, 93, 94, 161 and 162.
Clause 3 ..	128 (Govt.), 129 (Govt.).
Clause 4 ..	71.
Clause 8 ..	141, 130 (Govt.), 8.
Clause 10 ..	9.

Clause 2.—(*Amendment of article 1 and First Schedule*)

Shri Kamath: I beg to move:

Page 1, line 9, and wherever it occurs in the Bill—

for "States" *substitute* "Provinces".

The Minister of Home Affairs and Heavy Industries (Pandit G. B. Pant): I beg to move:

Page 2, line 1—

after "Constitution", *insert*:

"as amended by the States Reorganisation Act, 1956 and the Bihar and West Bengal (Transfer of Territories) Act, 1956."

Shri N. R. Muniswamy (Wandiwash): I beg to move:

Page 2, line 11—

add at the end:

"and the territory of the Commune of Yanam."

Pandit G. B. Pant: Sir, I beg to move:

(i) Page 2, line 23—

add at the end:

"but excluding the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956."

(ii) Page 2, line 24—

for "Gujarat" *substitute* "Bombay".

(iii) Page 2, line 25—

for "section 10" *substitute* "section 8".

(iv) Page 2, line 31—

for "section 11" *substitute* "section 9".

(v) Page 2—

omit lines 47 to 49.

(vi) Page 3, line 10—

for "section 13" *substitute* "section 11".

(vii) Page 3, line 12—

for "section 12" *substitute* "section 10".

(viii) Page 3, line 27—

add at the end:

"and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956."

(ix) Page 3.—

omit lines 34 and 35.

Shri N. R. Muniswamy: Sir, I beg to move:

(i) Page 2, line 29—

add at the end:

"and the territory of the Commune of Yanam."

(ii) Page 2, line 46—

add at the end:

"and the territory now comprised in the erstwhile French settlement of Karaikal and Pondicherry."

Shri K. K. Basu: Sir, I beg to move:

Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Subhas Dwip".

Shri V. G. Deshpande: Sir, I beg to move:

(i) Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Hutatma Dwip".

(ii) Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Veer Savarkar and Bhai Parmanand Dwip".

Shri Kamath: Sir, I beg to move:

(i) Page 4, lines 12 and 13, and wherever they occur in this Bill—

for "Andaman and Nicobar Islands" *substitute* "Swaraj and Shaheed Islands".

(ii) Page 4, lines 12 and 13, and wherever they occur in the Bill—

for "Andaman and Nicobar Islands" *substitute* "Jawahar and Subhas Islands".

Clause 3.—(*Amendment of article* 80 *and Fourth Schedule*)

Pandit G. B. Pant: Sir, I beg to move:

(1) Page 4, line 29—

after "Constitution" *insert*:

"as amended by the States Reorganisation Act, 1956 and the Bihar and West Bengal (Transfer of Territories) Act, 1956."

(2) (i) Page 5, line 1—

for "23" *substitute* "22".

(ii) Page 5—

for line 2, *substitute* "4. Bombay 27".

(iii) Page 5—

omit line 6.

(iv) Page 5, line 12—

for "15" *substitute* "16".

(v) Page 5—

omit line 14.

(vi) Page 5, line 19—

for "226" *substitute* "220".

Clause 4.—(*Substitution of new articles for articles* 81 *and* 82)

Shri Anandchand: Sir, I beg to move:

Page 5, line 27—

for "twenty-five members" *substitute* "twenty members".

Clause 8.— (*Amendment of article* 168)

Shri N. R. Muniswamy: I beg to move:

Page 6, lines 36 and 37—

after "sub-clause (a)" *insert*:

'after "in the States of" the words "Andhra Pradesh" shall be inserted,'.

Pandit G. B. Pant: I beg to move:

(i) Page 6, line 37—

omit "the word 'Bombay' shall be omitted and".

(ii) Page 6, line 40—

for "Bihar" *substitute* "Bombay".

(iii) Page 6, line 41—

for "Maharashtra" *substitute* "Madhya Pradesh".

Shri K. K. Basu: I beg to move:

Page 6—

omit lines 39 to 41.

Clause 10.— (*Amendment of article 171*)

Shri K. K. Basu: I beg to move:

Page 7—

for clause 10, *substitute*:

"10. *Amendment of article* 171.—In article 171 of the Constitution—

(i) in the proviso to clause (1) for the word 'forty' the word 'fifty' shall be substituted;

(ii) in sub-clauses (b) and (c) of clause (3), for the word 'one-twelfth', the word 'one-ninth' shall be substituted; and

(iii) after clause (5) the following clause shall be added namely:—

(6) Notwithstanding the provisions of clause (3) of this article the terms of membership of the members nominated under sub-clause (e) of clause (3) before the 1st October, 1956 shall continue to be the same as was determined at the time of their nomination."

Mr. Speaker: These amendments are now before the House.

श्री म० प्र० मिश्र (मुंगेर–उत्तर–पश्चिम): अध्यक्ष महोदय, मैं उस पवित्र मांग का समर्थन करने के लिए खड़ा हुआ हूं, जो कि इस सदन से उठी है, कि अंडमान और निकोबार द्वीप समूह का नाम सुभाष द्वीप रख दिया जाये। यह एक बहुत विरला मौका है जब कि मैं एक कम्यूनिस्ट भाई के प्रस्ताव का समर्थन कर रहा हूं। अध्यक्ष महोदय, एक कहावत है कि जादू वह है जो सिर पर चढ़ कर बोलता है। जब नेताजी सुभाष चन्द्र बोस आज़ाद हिन्द फौज बना कर पूर्वी एशिया में अंग्रेजी शहनशाहियत से लड़ रहे थे, तो इस देश की कम्यूनिस्ट पार्टी अंग्रेजी राज्य के साथ कंधे से कंधा मिला कर चल रही थी। उस ज़माने में उस पार्टी ने नेताजी और उन की आज़ाद हिन्द फौज को जो जो गालियां दी, उन के लिए भाषा के जो जो भद्दे शब्द व्यवहार किये, वे शायद इस देश के दुशमनों ने भी—अंग्रेजों ने भी—नहीं किये। लेकिन नेताजी और उनकी आज़ाद हिन्द फौज का जादू तो आज सिद्ध हो रहा है कि वही लोग इस सदन में यह प्रस्ताव लाये हैं कि अंडमान और निकोबार द्वीप का नाम नेताजी द्वीप या सुभाष द्वीप रख दिया जाये।

श्रीमन्, मैं समझता हूं कि हिन्दुस्तान की आज़ादी की लड़ाई के इतिहास में, बल्कि दुनिया भर की आज़ादी की लड़ाई के इतिहास में, नेता जी सुभाष का एक विशिष्ट स्थान है। हिन्दुस्तान के इतिहास में जितनी महान हस्तियां हुई हैं—और इस देश में महापुरुषों की कभी भी कमी नहीं रही है—उनमें नेताजी का नाम स्वर्णाक्षरों से लिखा जायेगा। एक भारतीय जब भी अपने जीवन में पस्त-हिम्मती अनुभव करेगा, गिरा हुआ अनुभव करेगा, तो सिर्फ नेता जी का नाम ले कर ही वह अपने में साहस और वीरता का संचार कर सकेगा। इतना बड़ा महापुरुष हमारे देश में पैदा हुआ। जो मांग इस वक्त यहां पर रखी गई है, वह बहुत छोटी है। उस महापुरुष ने हिन्दुस्तान की आज़ादी को करीब लाने में बहुत ज्यादा हिस्सा लिया। आज यह कहा जा सकता है कि १९४७ का १५ अगस्त "१९४७ का १५ अगस्त" न होता—उस दिन भारत को स्वतन्त्रता न मिली होती और हमको यह दिन देखने को न मिलता, अगर १९४२ और १९४३ में दक्षिण पूर्वी एशिया में आज़ाद हिन्द फौज का जन्म न हुआ होता। यह एक बहुत छोटी सी मांग है कि इतनी बड़ी हस्ती की यादगार में एक छोटे से द्वीप का नाम उसके नाम पर रख दिया जाये। इस सम्बन्ध में हमको यह भी न भूलना चाहिये कि जब पहले पहल नेता जी की फौज आई, तो उसने उस द्वीप पर हमारा तिरंगा झंडा गाड़ा, पहले पहल उसको आज़ाद कराया।

अगर मै नहीं भूलता हूं तो शायद आजाद हिन्द फौज और उसकी हुकमत ने ही उस द्वीप का नाम आजाद द्वीप या सुभाष द्वीप रखा था ।

श्री कामत : नहीं, शहीद द्वीप ।

श्री म० प्र० मिश्र : हमारे मित्र श्री देशपांडे और अन्य लोगों ने भी कहा है कि इस द्वीप का नाम सुभाष बाबू के नाम पर रखा जाना चाहिये । मैं समझता हूं कि यह एक बहस की बात है कि सुभाष बाबू जीवित हैं या नहीं । मेरे ख्याल में इस देश में कोई भी आदमी इस स्थिति में नहीं है कि वह कह सके कि सुभाष बाबू मर ही गये हैं और न ही कोई इस स्थिति में है कि कह सके कि वह जीवित हैं । मेरे विचार में इस समय इस बहस में नहीं पड़ना चाहिये । आज हमारा यह कर्तव्य है—इस देश का फ़र्ज है, इस पीढ़ी का फर्ज है, कि उनकी यादगार में, उन्होंने देश की जो सेवा की, उसके सम्मान में एक ऐसा स्मारक कायम किया जाये, जो कि आने वाली पीढ़ियों को उनका स्मरण करा सके । इसके साथ ही मैं यह भी कहना चाहता हूं कि मैं इसको कोई बड़ी चीज नहीं मानता हूं । मैं यह नहीं समझता हूं कि अगर यह सरकार उस द्वीप का नाम सुभाष द्वीप रख देगी, तो वह कोई बहुत बड़ा काम कर देगी । हां, इससे एक बड़े काम की—एक बड़े स्मारक की शुरूआत की जा सकती है । सब से छोटा काम यह है कि इस द्वीप का नाम सुभाष द्वीप रख दिया जाये ।

Shri H. N. Mukerjee: I had no intention of intervening in this debate, but my friend who has just spoken has chosen to refer to the communist party and its role at the time when Subhas Chandra Bose was organising the Azad Hind Fauj and the movement associated with it. I am sorry that when by a unanimous expression of opinion of this House we are asking for the nomenclature of this Island after Netaji Subhas Chandra Bose, this discordant note has been unnecessarily struck.

I say so because I do not think it is necessary at this moment, and perhaps it would not be quite relevant, to answer back the charge that the communist party was assisting the British at a time when Netaji Subhas Chandra Bose was trying to overthrow the British power in this country. I do not propose to go into the trends, national and international, which prevailed at that time, but I would like to remind this House that at one point of time, even Shri Jawaharlal Nehru had to say, and he did say it without any hesitation, that if Subhas Chandra Bose was coming to this country in the wake of the Japanese sponsored army, then he would fight him with his bare hands. That was the kind of statement which he made. If Subhas Bose and his movement represented a satellite trend, naturally that would have had to be resisted by the people of our country. But, after a re-assessment of the history of that period, the country made up its mind and the communist party made up its mind in regard to the character of the Azad Hind Fauj, and that is why that all over the country there was a tremendous demand for the release of the Azad Hind prisoners. The communist party was in the forefront of this, during 1945 and 1946, and it was that terrific agitation which really was responsible for the achievement of our freedom.

I, therefore, feel that on this occasion there should not be the slightest discordant not. It is only a coincidence that a Communist Member was the first to speak this morning and he suggested that Subhas Bose's name should be associated with that of the Andaman Islands and that it might be called Martyr's Island or Shaheed Island which was the original nomenclature given to it by Subhas Bose. We feel that on this occasion we should

[Shri H. N. Mukerjee]

try to impress on the Government with a unanimous voice that, when we are having an opportunity of renaming this Island, there is no reason why we should not re-name it properly.

I could not understand Shri Trivedi's argument which I heard partly. When we have this opportunity, we should certainly name these Islands after Subhas Bose and after the great martyrs of our country to whose endeavours we certainly owe the freedom of Bharat.

This is why I wish to impress on Government that a unanimous view has been expressed by Parliament and it is up to Government now to make its response; Government should be sensitive to the view of Parliament and of the country. If there is any difficulty in accepting the nomenclature after individuals, then, certainly, the suggestion has been made by Shri Kamath that Shaheed and Swaraj might be the two names to be allotted to the Andaman and Nicobar Islands.

I plead, on this occasion, that the House should not take resort to discordant voices and that we should not express ourselves in a way which would suggest that we are at odds so far as this particular matter is concerned. I wish that the Home Minister, when he replies to the debate on this particular point, will find it possible to announce something which would be in consonance with the feelings of the country.

Pandit G. B. Pant: In fact, most of the debate has concentrated round the change in the name of Andaman and Nicobar Islands. To me, it does not seem to be matter of unusual significance. There is, however, no unanimity. A number of names have been suggested. Even those who have put in one set of names have also proposed alternative sets, so that there is some doubt in the mind of the proposers themselves as to the names that they themselves have suggested.

Shri Kamath: No. There is an agreed amendment.

Pandit G. B. Pant: I am speaking on the basis of their amendments and not on their own assertions. There can be no doubt that Subhas Babu was one of the greatest patriots. We all cherish his memory with respect and affection for his sacrifice, for his valour and for his selfless devotion to the cause of freedom for which he lived. I cannot say more, whether he is still alive or not; the controversy is still going on.

The point with which we are concerned today is whether we should change the name. Some hon. Members have suggested Shaheed Dweep, some Swaraj Dweep, and some also Savarkar Dweep. One hon. Member suggested Bhai Parmanand Dweep. There are many names; so, there is a sort of complication. But, why should Andamans and Nicobars alone have been selected for a change? That is not clear to me.

Shri N. C. Chatterjee: Because of the association with Netaji.

Pandit G. B. Pant: Association with Savarkar and Parmanandji is not indicated even by those who made the proposals. But what I am submitting is this that we should all like to set up a proper memorial for Subhas Babu. It may not be known to hon. Members that the Working Committee of the A.I.C.C. has a trust for looking after certain matters in which Subhas Babu would naturally be interested.

Shri V. G. Deshpande: I want to know whether Government has anything to do with trust.

Pandit G. B. Pant: I thought that in those matters the A.I.C.C. would be considered to be an organisation which is connected with the Government. I do not know if the Hindu Mahasabha has put up any memorial at any time for Subhas Babu. (*Interruption*). Anyway, that is rather a minor point and I do not want to enter into any controversy over this matter.

The point which I would like to place before this House is that these Andaman and Nicobar islands have been known as such for centuries. It is an island and not a small town in the remote corner of our country. It has some place in the map of the world and so, before we take any decision in this regard, many other aspects of the question will have to be considered. The suggestion that has been made here will receive consideration and we will examine from various aspects whether a change can appropriately be made. If a change can be made, then we will see what name should replace Andaman and Nicobar. There is nothing controversial about it and we have certainly no desire to miss the opportunity of showing respect for Subhas Babu......

Shri K. K. Basu: Do something tangible now.

Pandit G. B. Pant: I hear what Mr. Basu has indicated, but I do not want to go into the unsavoury past. I want to leave that alone. On this matter there is no difference of opinion in this House that whatever may have been the attitude of different parties towards political problems at a particular time, all of us here universally cherish the memory of Subhas Babu and his various achievements only with pride and with respect. So, so far as that goes, there is no controversy here. But, a number of names have been suggested and the whole question will have to be considered carefully before any change can be made. None can be made just now.

Shri S. S. More: The hon. Minister says that Government may consider at the appropriate moment changing the names of the islands in the light of the suggestions made here. So, the underlying concession seems to be that Government are prepared to name great chunks of territory after the names of certain individuals.

Pandit G. B. Pant: I do not think there will be anything repugnant to any basic principle if any name were changed like that. That is something which has to be considered on the merits of each particular case whether the names should be changed or not and if it is changed, which particular name should be substituted in its place. All these are practical questions which have to be considered in the larger context, because in this world today every island is connected with many other areas. So, these things have to be looked into. So far as the general aspect of the question of the reasons and the motives which have prompted the movers and their supporters in making these proposals is concerned, we all share them and we appreciate them too.

As to other matters, I do not know if there is anything of very great substance. Something has been said about Laccadives and Maldives not being represented. That is true. We intend to provide a seat for Laccadives and Maldives in the Lok Sabha so that the Member may be nominated.

Shri K. K. Basu: What are the existing proposals for the representation of Andamans and Nicobars and Laccadives and Maldives?

Pandit G. B. Pant: We have one seat for Andamans and Nicobar at present. There is no representation at present for Laccadives and Maldives. We can have another seat for Laccadives and Maldives, because they are our territory and there is no communion or intercourse between these islands and Andaman and Nicobar islands. So, a separate seat will be provided for Laccadives and Maldives.

A suggestion has also been made that the figure of 25 might be reduced to 20 in view of the formation of the bilingual State of Bombay. I agree that we can reasonably reduce the number from 25 to 20. So, I will have to accept that amendment too.

[Pandit G. B. Pant]

I think some reference was made to the French possessions. No reference has been made to them in the Bill as we are not yet in *de jure* possession of the French possessions. The *de facto* possession is there, but until the *de jure* jurisdiction is transferred, we cannot make any entry in our statute with regard to these areas. We hope that we will soon have the opportunity of having Pondicherry also entered in the list of our States and territories.

Shri N. R. Muniswamy: What will happen to Yanam, Mahe, Pondicherry and Karaikal?

Pandit G. B. Pant: When we have *de jure* jurisdiction over them, all of them will find a place in our statute. That period has not yet expired. When that period is completed, then we will be in a position to treat them in the eyes of law too as our own territories. Then we will have the necessary entries made.

I think there is no other point of importance. I tried to reply to every proposal or suggestion that was made in the course of the discussion.

Shri M. K. Moitra (Calcutta—North-West): On a point of information. In 1953 when the Government of West Bengal prepared a scheme for the settlement of the East Bengal refugees in Andaman Island it was announced in the papers that they would arrange to rechristen the Andaman island as Subhas Dwip. Has that suggestion been sent to the Central Government by the West Bengal Government?

Pandit G. B. Pant: If he will just let me have a line on that point, I will find it out.

Mr. Speaker: Now I shall put the amendments to the vote of the House. I will first take up the Government amendments. There are amendments Nos. 126 and 127.

Shri K. K. Basu: On amendment No. 127 there are certain aspects which we will, perhaps, oppose. So I suggest that the amendments may be put separately.

Mr. Speaker: I will put them separately.

The question is:

Page 2, line 1—

after "Constitution", *insert*:

"as amended by the States Reorganisation Act, 1956, and the Bihar and West Bengal (Transfer of Territories) Act, 1956."

The motion was adopted.

Shri K. K. Basu: In respect of amendment No. 127, I request that the sub-clauses may be put separately as we want to oppose some of the sub-clauses?

Mr. Speaker: Very well. I will put the sub-clauses separately.

The question is:

(i) Page 2, line 23—

add at the end:

"but excluding the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956".

The motion was adopted.

Mr. Speaker: I shall now put the others.

The question is:

(ii) Page 2, line 24—

for "Gujarat" *substitute* "Bombay".

(iii) Page 2, line 25—

for "section 10" *substitute* "section 8".

(iv) Page 2, line 31—

for "section 11", *substitute* "section 9".

(v) Page 2—

omit lines 47 to 49.

Mr. Speaker: Those in favour will please say 'Aye'.

Several Hon. Members: 'Aye.'

Mr. Speaker: Those against will please say 'Aye'.

Some Hon. Members: 'No.'

Mr. Speaker: I think the 'Ayes' have it. The motion is adopted.

Shri Kamath: The 'Noes' have it.

Mr. Speaker: All right, it will stand over. The rule is that in the lunch interval if anything is challenged, it will be put to the vote afterwards. I shall put the other sub-clauses.

The question is:

(vi) Page 3, line 10—

for "section 13" *substitute* "section 11".

(vii) Page 3, line 12—

for "section 12" *substitute* "section 10".

(viii) Page 3, line 27—

add at the end:

"and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956".

(ix) Page 3—

omit lines 34 and 35.

The motion was adopted.

Mr. Speaker: Now I will take up the other amendments.

The question is:

Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Subhas Dwip".

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye.'

Mr. Speaker: Those against will please say 'No'.

Several Hon. Members: 'No'.

Mr. Speaker: I think the 'Noes' have it. The motion is negatived.

Some Hon. Members: The 'Ayes' have it.

Mr. Speaker: Amendment No. 4 will stand over.

The question is:

Page 1, line 9, and wherever it occurs in the Bill,—

for "States" *substitute* "Provinces".

The motion was negatived.

Mr. Speaker: The question is:

Page 4, lines 12 and 13, and wherever they occur in the Bill—

for "Andaman and Nicobar Islands" *substitute* "Swaraj and Shaheed Islands".

Those in favour will please say 'Aye'.

Some Hon. Members: 'Aye.'

Mr. Speaker: Those against will please say "No".

Several Hon. Members: 'No.'

Mr. Speaker: I think the 'Noes' have it. The motion is negatived.

Shri Kamath: The 'Ayes' have it.

Mr. Speaker: Amendment No. 161 will stand over. I will put the next one.

The question is:

Page 4, lines 12 and 13, and wherever they occur in the Bill,—

for "Andaman and Nicobar Islands" *substitute* "Jawahar and Subhas Islands".

The motion was negatived.

Mr. Speaker: The question is:

Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Hutatma Dwip".

The motion was negatived.

Mr. Speaker: The question is:

Page 4, lines 12 and 13—

for "The Andaman and Nicobar Islands" *substitute* "Veer Savarkar and Bhai Parmanand Dwip".

The motion was negatived.

2 P.M.

Shri N. R. Muniswamy: On the basis of the assurance given by the hon. Minister I wish to withdraw my amendments Nos. 137, 138 and 139.

The amendments were, by leave, withdrawn.

Mr. Speaker: Amendments Nos. 4, 127, entries (ii) to (v), and 161 will stand over.

New clause 2A relates to minorities and will stand over.

I shall now take up clause 3.

There is a Government amendment No. 128 which I shall put to vote.

The question is:

Page 4, line 29—

after 'Constitution' *insert*:

"as amended by the States Reorganisation Act, 1956 and the Bihar and West Bengal (Transfer of Territories) Act, 1956".

The motion was adopted.

Mr. Speaker: In regard to amendment No. 129 I shall note down which can be passed now, and those which should be held over. Entries Nos. (i) and (iv) can be disposed of now. (ii), (iii), (v) and (vi) will stand over. I shall put (i) and (iv) to vote.

The question is:

(i) Page 5, line 1—

for "23" *substitute* "22".

(iv) Page 5, line 12—

for "15" *substitute* "16".

The motion was adopted.

Mr. Speaker: Entries (ii), (iii), (v) and (vi) will stand over.

These (Nos. 128 and 129) are the only two amendments to this clause and there is no other.

Mr. Speaker: Now clause 4.

Shri C. C. Shah: I thought Government was accepting amendment No. 71 of Shri Anandchand.

Mr. Speaker: The question is:

Page 5, line 27—

for "twenty-five members" *substitute* "twenty members".

The motion was adopted.

Mr. Speaker: New clause 4A not moved.

There are no amendments to clauses 6 and 7.

There is a Government amendment to clause 8, that is No. 130. It will stand over.

Shri K. K. Basu: There is an amendment of mine, No. 8. That may also be held over.

Mr. Speaker: No. 8 also will stand over.

Shri N. R. Muniswamy: I have moved an amendment No. 141.

Mr. Speaker: Does he want me to put it?

Shri N. R. Muniswamy: He has not given any reply why Andhra should not be given a Second Chamber.

Mr. Speaker: Have they asked for it? Does the hon. Member come from Andhra? No Member from Andhra wants it.

Shri K. K. Basu: It was left to the legislatures to decide. Why is he keen on wasting money?

Mr. Speaker: So, I need not put it to the House.

Shri N. R. Muniswamy: I may be permitted to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Speaker: There are no more amendments to clause 8.

I find no amendments have been moved to clause 9.

Now clause 10.

There is an amendment No. 9 by Shri Basu. I shall put it to vote:

The question is:

Page 7—

for clause 10, *substitute*:

"10. *Amendment of article* 171.—In article 171 of the Constitution:—

(i) in the proviso to clause (1) for the word 'forty', the word 'fifty' shall be substituted;

(ii) in sub-clauses (b) and (c) of clause (3) for the word 'one-twelfth', the word 'one-ninth' shall be substituted; and

(iii) after clause (5) the following clause shall be added, namely:—

(6) Notwithstanding the provisions of clause (3) of this article the terms of membership of the members nominated under sub-clause (e) of clause (3) before the 1st October, 1956 shall continue to be the same as was determined at the time of their nomination."

The motion was negatived.

Clauses 11 to 16, 20A and 25

Mr. Speaker: Now, clauses 2 to 10 have been dealt with.

These will be put to the vote of the House later on. The amendments which have been held over and all the clauses will be put to the vote of the House at the close of the day.

The House will now take up the next set of clauses 11 to 16 (both inclusive) and 20A and 25. Hon. Members must be very brief. If they have any particular amendment, when they rise to speak, they may give the number of the amendments.

Shri K. K. Basu: Clause 20A. The amendments of Shri R. N. S. Deo relate to minorities.

Shri Frank Anthony: My amendment is No. 31. It fits in.

Shri K. K. Basu: This has to be clarified.

Shri N. C. Chatterjee: Relating to the judiciary and the All-India Services.

Mr. Speaker: Let us see. If amendment No. 26 does not fit in, 31 will fit in. Each one is clause 20A.

Shri C. C. Shah (Gohilwad-Sorath): Sir, I shall make a few observations on clauses 11 to 16 which relate to the judiciary. The omission of the proviso to article 216 is really necessary because that serves no purpose. There are two amendments to clause 11, both of which seek a statutory provision that at least one-third of the number of Judges shall be from a State other than the one in which the High Court is situate. I support the principle of this amendment, which is also a recommendation of the States Reorganisation Commission. It is a wholesome principle and I welcome it. But, I do not think that a statutory provision or a constitutional provision to that effect is necessary, particularly in view of the Explanation given in the memorandum which has been circulated yesterday by the Home Ministry stating that this matter was being brought to the notice of the Chief Justice of India and as far as possible every effort will be made to see that a certain number of Judges in each High Court are from outside the State. I would, therefore, submit that while the principle underlying both these amendments is accept-

[Shri C. C. Shah]

able, no statutory or constitutional provision to that effect is necessary.

Then, I come to clause 12. Really speaking, the amendment which is sought to be made in clause 12 is not now necessary in view of the amendment which has been made by the Joint Committee in clause 15 by adding sub-clause (3) to it.

Mr. Speaker: The hon. Member will kindly resume his seat. I want to make an announcement.

The Railway Minister has returned from the scene of accident. He would like to make a statement. I have told him that at 4-30 he may make a statement here. He will interrupt the proceedings. All hon. Members may be present. It is an important matter. Any hon. Member meeting a Member who has been absent may tell him so that he may also know this.

2-13 P.M.

Shri C. C. Shah: I was submitting that the amendment now embodied in clause 12 is unnecessary in view of the amendment of clause 15 by the addition of sub-clause (3).

[MR. DEPUTY-SPEAKER *in the Chair*]

Article 217, as it stands, says that no Judge shall hold office beyond the age of 60 years. The amendment refers to additional and acting Judges as provided in article 224. This is unnecessary in my opinion because article 224 as now amended and embodied in clause 15 speaks of two limitations on additional and acting Judges, namely that they can only hold office for a period not exceeding two years and by the amendment made by the Joint Committee, they cannot hold office after attaining the age of 60 years. My submission, therefore, is that no amendment of article 217, as it stands, is called for. There are other amendments to article 217 itself which seek to raise the age limit for the retirement of Judges either to 62 or 65. I am afraid I am not able to agree to either of these amendments. The age limit of 60 which was fixed by the Constituent Assembly in the Constitution was fixed after great deliberation. I speak subject to correction and I hope the Home Minister will correct me if I am wrong, the Bombay High Court has unanimously rejected this proposal to raise the age limit for retirement of Judges from 60 to 62 or 65. That is done, I submit, for very good reasons. When we have fixed the age limit for all other officers at 55, it is only fair that we should fix the age for Judges at 60. One of the arguments advanced for raising the age limit to 62 or 65 is that it is not possible to get really competent people to come to the Bench unless the age limit is raised. One remedy for this is to appoint them when they are still young, rising juniors instead of appointing them only at the age of 55. Why should they wait till they attain the age of 55 or 58 and then make the appointment? The argument is that there is no incentive to a man of 55 to come to the Bench, because, the pension that he may get after four or five years of service will be very little. I submit that a practice is growing in the Bombay High Court to appoint Judges at the age of 42 or 45. The present Chief Justice of Bombay, for example, Shri Chagla was appointed at a young age. Now, he has been on the Bench for a long period. I submit that there is no justification for raising the age limit for the retirement of Judges.

Then, I come to clause 13 which seeks to amend Article 220 of the Constitution. It seeks to relax the ban on retired Judges from practising after retirement. We remember the case of Iqbal Ahmed *Vs.* Allahabad Bench in which this question was raised. This ban was put in the Constitution though it was not in the Government of India Act after great controversy and great deliberation. Now, it is sought to relax this ban to the extent of permitting the retired Judges to practise either in the Supreme Court or other High Courts. There are two amendments to this clause. One is by Pandit Thakur Das Bhargava which seeks to limit the practice only to the Supreme Court and not other High Courts. I would rather accept that amendment. Though I am not in favour of relaxing the ban at all, if it is to be relaxed, I would rather limit it to the Supreme Court rather than extend it to other High Courts. There are two other amendments. One is that the retired Judges should not accept any executive appointments under the State Governments or the Union Government, but may accept only judicial appointments. I am in agreement with the principle of this amendment. I think it is not good that the retired Judges should have the allurement before them of executive posts being offered to them after retirement. I think it is a wholesome principle that when a Judge retires, he should not aspire for executive posts under any Government and should, if at all, accept only judicial offices. Therefore, I am in agreement with this amendment which seeks to provide that a retired Judge shall not accept any executive posts under any Government.

Then, there is a further amendment which seeks to provide that this ban will not apply to the Judges in the Part B States which are being abolished. These High Courts are being abolished and the Judges compulsorily retired. These Judges should be permitted to practice before courts elsewhere. I think it is only fair that Judges in Part B States like Saurashtra or PEPSU, where the High Courts are being merged in Bombay and Punjab should be given this permission. The hon. Home Minister gave us the assurance that the Chief Justice of India will look into each individual case, and every effort would be made to see that none of those hon. Judges suffers by reason of the abolition of those High Courts, but if Government are unable or if the Judges are offered a post which is not acceptable to them, then I think it is fair they should be permitted to practise.

Then I come to clause 14. It seeks to omit clause (2) of article 222. In the case of a Judge who is transferred, clause (2) of article 222 provides that compensatory allowance will be given to him when he is transferred. I think there is no justification for that provision. When a Judge is transferred, he incurs expenses at one place as much as in another place. Therefore, that provision is rightly being omitted and therefore the amendments 15 and 104 which seek to retain that provision in one form or another are in my opinion unnecessary and clause 14 should remain as it is.

Then I come to clause 15 which speaks of additional and acting Judges. I must confess I am not happy about additional or acting Judges at all.

Shri B. K. Ray (Cuttack): You cannot do without them.

Shri C. C. Shah: Article 224 as it stands provides for recalling the services of retired Judges in certain emergencies. That provision has not been taken advantage of so far as I know in any High Court. It may be in some cases but it is not to my knowledge. The appointment of additional and acting Judges has not been a healthy practice as far as I know.

Shri N. C. Chatterjee: The Patna High Court has done.

Shri C. C. Shah: May be in one case or so.

When a man is appointed additional Judge, for some time before his appointment he gets a prestige because he is likely to be appointed a Judge.

Shri Frank Anthony: He gets it after too.

Shri C. C. Shah: After he retires from the Bench having acted as an additional Judge, may be for six months or a year, it cannot be for more than two years, he again gets a prestige which probably he ought not to have got. If really speaking

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there is so much work, the real remedy is to increase the number of permanent Judges, not to have the palliative of appointing additional or acting Judges for some time, and not to appoint permanent Judges is, I submit, a wrong remedy. Therefore in places where there are really arrears of work—and we know in most High Courts the arrears of work have piled up so much that the existing strength of the permanent Judges is not adequate—before appointing any additional or acting Judge, the Government should review the position. Under article 216 the strength of each High Court has been fixed already. It is being omitted. It is unnecessary. But the effort of the Government should be to increase the number of permanent Judges so that there may not remain any arrears at all. Arrears have become permanent fixtures of all High Courts where Civil appeals pile up for years together and they are not disposed of. Therefore, I am not very happy with this provision, but it should be resorted to only in exceptional cases and not as an alternative to increasing the strength of the Judges required in each High Court.

As regards clause 16, it is only a redrafting of the articles concerned. I therefore submit that clauses 11 to 15 as they are, are in order and no amendment is called for except, as I said, in clause 13, the two amendments which I suggested namely that a Judge should not accept any executive post and as regards the High Court Judges of Part B States.

Shri Datar: So far as the later point raised by my friend is concerned, I have already given notice of an amendment on the lines suggested by Shri Chatterjee. It is like this:

"Page 7, *after* line 38, *insert*—

Explanation. In this article the expression "High Court" does not include a High Court of a State specified in Part B of the First Schedule as it existed before the commencement of the Constitution (Seventh Amendment) Act, 1956."

Shri C. C. Shah: I am happy at that.

Shri N. C. Chatterjee: My amendment 100 stands in my name along with Shri V. G. Deshpande. Clause 13 as it stands reads:

> "No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts."

For the last few words I want to substitute the words:

> "in that High Court and the Courts subordinate thereto or shall hold any office other than a judicial or quasi-judicial appointment."

Article 220 as it stands now puts an absolute ban or embargo on practice in courts or before any authority by any one who had held the office of a Judge of a High Court after the commencement of the Constitution. I was at one time affected by this article 220. As a matter of fact, I hope it is not improper to mention that when I sent in my resignation, the then Home Minister, Sardar Patel, wrote to me through my Chief Minister, Dr. Roy, saying that he appreciated that this ought not to have been done and he asked me to keep my resignation in abeyance for some time pending further consideration by the Constituent Assembly. The Constituent Assembly did not choose to alter article 220 and passed it in this form. Anyhow, this article has led to great difficulties and I think the hon. Home Minister is doing the right thing in amending this article and taking away the absolute bar or embargo on practice in courts or before any authority by *ex*-Judges.

Everybody will agree that it is ideal that no *ex*-Judge of a High Court should not at all practise in any court, in the Supreme Court or any High Court. But our Constitution is not logical, our rules are not logical. We have not been consistent. It is very, very peculiar when my friend pleads that sixty is the proper age when a High Court Judge must retire and the benefit of his experience should be lost to the country or the Court concerned, but solemnly we have enacted in the Constitution that for the Supreme Court, the highest court in India, the retirement age shall be 65. In article 124 we have put down that every Supreme Court Judge shall hold office until he attains the age of 65. I do not know whether it will be proper to disclose what happened in the Joint Committee. But without disclosing anything that happened there I may say that we pleaded: "Put it on a parity and give them adequate pension." You know, Sir, the greatest court in the world today is the Supreme Court of America. We had the Chief Justice of that highest court in the world here in our midst and you remember the great speech he made in this building in the room upstairs. He said addressing the Supreme Court Bar that really the bulwark of human liberty is the judiciary and the independence of the judiciary and you cannot pay too much attention to keeping the independence of the judiciary absolutely intact. I am sorry to say that this article as it stands has affected the system in two ways. First of all, the best men of the Bar feel naturally reluctant to go up to the Bench when they are told that after four or five years they have to quit office and shall be practically paralysed or immobilised, after the age of sixty; they cannot possibly go back to another profession and cannot practise even before another High Court or the Supreme Court. Either make it 65 and give them a decent pension or remove the embargo. I asked the Chief Justice of America, Mr. Earl Warren: "What is your position?" He told me frankly: "We pay the Judges the same pension as we pay the salary; pension and salary are the same after seven years." Therefore, it does not matter to them. There is no question of any incentive for them to think of any other position or for another employment or another means of livelihood. Now, remember what they have done in England. I think £5,000 is the salary of every High Court Judge and the pension has been raised now to £4,000 after retirement. Therefore the salary and the pension after deduction of income-tax are practically the same. Our plea was: "Make it 65 and give them decent pension. Take away all incentive for further work and put the Supreme Court Judges and the High Court Judges on parity or equality." If the hon. Minister had accepted it, that would have been all right. He put forward some arguments, which were not quite unreasonable, if I may say so, and he did not accept it; he could not accept our suggestion of 65.

If you are going to retain the age of 60, then, you are going to affect seriously the quality of the Indian judiciary, unless you remove this embargo; and you will not get the right type of men. And that is very essential....

Shri B. D. Pande (Almora Distt.—North-East): They can become members of any legislature afterwards.

Shri N. C. Chatterjee: Yes, he can get Rs. 10 per day or even Rs. 5 in some cases.

Shri B. S. Murthy: The maximum is Rs. 21.

Shri N. C. Chatterjee: Thank you.

What I am pointing out is that this embargo must go. Either you restore 65 and give them decent pensions and put them on the same pedestal as other civilised and democratic countries, which have respect for the rule of law, and which try to vindicate the rule of law, whether there is a written Constitution or an un-

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written Constitution, have done; or, you have got to remove the embargo.

I am saying so, because I know that Chief Justices have great difficulty. Here is a former Chief Justice of one of the High Courts, sitting in front of us. He was the Chief Justice of the Orissa High Court. I hope he will bear me out. I have personal experience of some High Court, and I know Chief Justices had great difficulty in finding the right type of men after this thing happened; it was very difficult for them to get the topmost men from the Bar.

Take things as they are. Certainly, the disparity between the judicial salary and the professional income of the top man at the Bar is very big. But people in independent India must sacrifice. They have got to respond, the Bar has to respond, and it does respond, but do not expect too much, and do not put these absurd conditions. Therefore, remove this embargo.

If you look at the provision which I am putting in—I think Shri B. K. Ray, *ex*-Chief Justice of the Orissa High Court, also has put in an amendment similar to that—you will find that I have provided that he should not be allowed to practise in that High Court—that is, the High Court of which he was the judge—and the courts subordinate thereto. There, my hon. friend stops. But the amendment made by the Joint Committee goes further. If you will look at the proposed article 220 in clause 13, you will find:

> "No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.".

I am respectfully pointing out that it is not quite fair. There will be very few cases when there is any question of practising before any other tribunal. But take, for instance, the case which I shall presently cite.

Suppose a Member of Parliament has been disqualified, or a member of legislature has been disqualified. The Election Commissioner may remove the disqualification in some cases. And you know under our Constitution, the Election Commissioner has practically the same position as a Supreme Court, having the same status, the same disabilities and the same unique position. He is not amenable to executive control in any shape or form. Supposing a man, a Member of Parliament wants an *ex*-High Court judge to appear before the Election Commission, he cannot do it. Will that be fair?

Therefore, what I am saying is, do not put too much restriction. If you want to remove the embargo, do it, and say that he shall be debarred from practising in that High Court or the courts subordinate thereto. Do not make too much of this theory that simply because an *ex*-judge appears before the judiciary, the judge sitting on the Bench will immediately give a judgment which will be in favour of the man standing at the bar. It is almost moonshine. From my own personal experience, I can say this.

The Advocate-General of Bengal and Mr. P. R. Das were appearing in my court for days together, but could I ever possibly do anything to help the *ex*-judge? Simply because Mr. P. R. Das had been a judge of the Patna High Court, could I go out of my way? It is fantastic to make such a suggestion. A man is not fit to be a High Court judge, if ever he dispenses justice in favour of a particular person, simply because the man who happened to be a judge of a High Court had appeared before him Again, take the case of Dr. Radha Binod Pal. You know, Sir, he is a recognised authority in some branches of law, like Hindu law, Income-tax law and so on. When I was presiding along with my Chief Justice over the income-tax cases in some High Court, Dr. Pal was appearing on one side, and on the other side, another distinguished counsel was appearing. But could I ever be influenced because of the fact that Dr. Radha Binod Pal had been a judge of my High Court? Never did such a thing enter into our minds. Believe me, Sir, when I say that too much of importance is attached to this aspect.

I am submitting that our suggestion is quite fair. But what I am pointing out is that there should be a proviso attached. I am sorry to say that the great Bar of India is somewhat feeling perturbed, and I hope my hon. friend Shri Frank Anthony who has considerable experience of the Supreme Court and other High Courts will bear me out, that under the present system, there is unfortunately a feeling that the High Court judiciary is not maintaining the old standard of independence. I am not saying that they are not. But I am very sorry to say that the feeling is there. Like Caesar's wife, they must be above suspicion, and there should be no question of any doubt as to the integrity or independence of the judiciary. As the great Chief Justice, the Chief Justice of the Supreme Court of America, said, the greatest thing is not to have merely a great Constitution—everybody can write out a big Constitution—but to implement it. How will you implement it? How will you preserve human liberty? How will you enforce Fundamental Rights, unless you have got strong independent judges, who will be absolutely independent of the executive in every shape and form? But if you make these people go round the corridors for jobs, and get hold of some people who know Ministers or Deputy Ministers or Parliamentary Secretaries, what will happen? It is impossible for them to carry on, because they are in a very difficult position. What I am saying is that by putting this sort of provision, you are paralysing their status.

For heaven's sake make this the law, and let this Parliament clearly make this pronouncement today that no High Court judge shall be given an executive appointment, and that there shall be no question of favour in any shape or form. Then, we shall restore to a large extent the pristine purity, the great independence of the Indian judiciary, which always maintained high traditions.

I was very happy to find, when I represented India at the Commonwealth Law Conference last year, that very high encomia were paid on the Indian judiciary. It was a great thing. When the Chief Justice of America paid great tribute to our judiciary, I believe he was not merely paying lip homage because he was being entertained here, but he was saying what he felt. You know that Mr. Justice Douglas came and he wrote a great book called *Marshal to Mukherjea*. You know Marshal was the greatest judge who really built up American jurisprudence, and Justice Mukherjea was the last Chief Justice of the Supreme Court here. And Justice Douglas had placed Mr. Mukherjea in the same category as Marshal, because the title of the book was *Marshal to Mukherjea*. It is a great thing. It is a great tribute. It is a great honour, to get that tribute from a man like Justice Douglas. And when the present Chief Justice of America comes and says that our traditions of the judiciary are very high, we are very much honoured; when he says that our Supreme Court judgments are quoted and cited with great respect and read with great respect in the American courts, that is also a great tribute.

But you will not maintain that standard unless you remove the judiciary entirely from any possible executive control or any preferment in the executive field. If you like, you can give an *ex*-judge a judicial post or a quasi-judicial post. You can make him the chairman or the president of any tribunal or anything like that. But do not think that Governorships and so on should be open to them. I have nothing to say against the particular individual; I had the privilege of appearing before him when he was

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a judge of the High Court of Patna, and then the Chief Justice of the Patna High Court, and also many a time, when he was judge of the Supreme Court. I am not saying anything against the particular individual. But on principle, I say, do not think of *ex*-judges being appointed as Governors. Dr. Katju when he was the Home Minister had made a passionate appeal, and had turned to me and said, 'I have great respect for all *ex*-judges'; I had thanked him for the courtesy and the innuendo also. But then he added, they are the ideal men to be appointed as Governors of States, as if nobody in the world is fit to be appointed as Governor except *ex*-judges of the High Courts. But for heaven's sake, even if they are the ideal persons, I say, let us sacrifice those ideal people, and let us have some other persons, instead of putting these persons under a cloud—and that cloud is there.

I am very happy that Shri Datar has said that he is accepting our suggestion contained in amendment No. 103.

If you kindly refer to amendment No. 103, it says:

> *After* line 38, *add*—
>
> "Provided that the restriction on practice as aforesaid shall not apply to a Judge of any High Court of a Part B State abolished by the States Reorganisation Act, 1956, and who has not been appointed as a permanent Judge of any High Court in India".

Shri K. K. Basu: Concession to employment.

Shri N. C. Chatterjee: My hon. friend says it is a concession to employment. Nothing of the kind. What I am pointing out is that in the Joint Committee we pleaded that there should not be two or three classes of salary of High Court Judges. You know PEPSU very well. PEPSU Judges are paid a much smaller salary than other High Court Judges. You know that in Travancore-Cochin the Judges are paid a small salary. In Rajasthan, there was a peculiar thing. It varied from Rs. 800 or Rs. 700 to Rs. 1,000 and in some cases to Rs. 1,100. Now, it has been raised to Rs. 2,000. The Chief Justice gets Rs. 3,000. When Mr. Justice Wanchoo was appointed there from the Allahabad High Court, I thought he was paid Rs. 4,000, but I was corrected by the Home Minister and I was told that he was paid Rs. 4,400, Rs. 400 being compassionate allowance.

What I am pointing out is that when we pleaded very strongly that on principle, when you are abolishing the artificial distinction between Parts A, B, C and D States, you should not have Part A High Court Judges and Part B High Court Judges, you should put the salary on parity, you should put them on the same footing, the hon. Home Minister very candidly and kindly responded to our appeal. He said: 'I will accept your suggestion on one condition, that you shall give me the right to screen'. I protested against the Home Minister's right to screen. He was quite candid. He said: 'I do not want the right to screen for myself; I will have the screening done by the Chief Justice of India'. When he said that the screening should be done by the Chief Justice of India, we had nothing to say. We had to accept it.

But the point is this. Apart from the fact that he is head of the judiciary—I have personal experience of him both as a fellow-member of the great Bar, to which I belong, and as a colleague of the same Bench of the Calcutta High Court and thereafter—he has been given a very delicate and difficult task. I think he is now moving from court to court in order to discharge this delicate and difficult task. Today I think he is in Allahabad. Then he will go to other States. He will go to your State, PEPSU. Then he will go to Saurashtra, Bombay and other areas, possibly Rajasthan, Travancore-Cochin and Mysore.

I can assure you that these Judges are deeply perturbed over the screening business, because they were appointed as Judges and they have been working for some time. Some of them have done great work, good work and have contributed substantially to the dispensing of justice. But suppose some people are thrown out. All of them cannot be reappointed. Suppose some PEPSU Judges are thrown out, some Rajasthan Judges are not taken in again. Then it is only right that this restriction should not be made applicable to them, because when they were taken in, an assurance was given to them that they shall continue. But due to the constitutional set-up being altered, and this amending Bill being passed, if we want to screen them, if we want that now there should be a higher and better standard, I submit that this demand is only fair and just, and I am happy that the hon. Minister also thinks like that.

With regard to the compassionate allowance, I share Shri C. C. Shah's feeling, that compassionate allowance should not be given. I shall be quite candid with the House.

Shri U. M. Trivedi: Compensatory allowance.

Shri N. C. Chatterjee: Yes, compensatory allowance.

I am strongly in favour of Shri Frank Anthony's amendment, No. 30. It says:

> "Provided further that at least one-third of the number of judges in a High Court shall consist of persons who are selected from outside the State".

I hope the *ex*-Chief Justice of Orissa will bear with me when I say that unless you bring in Judges from outside, certain undesirable tendencies are apt to develop. I won't emphasise it. Any one who is a votary of Themis and who has got practical experience of courts knows that these things unconsciously develop. Therefore, it is much better that there should be no question of any coterie or favouritism or regional attachment or some kind of communal proclivity even in the field of jurisprudence. It is much better that, for example, in Bombay some people are brought from Calcutta or Madras or whatever it is—it does not matter.

Therefore, I am strongly supporting my hon. friend's amendment. My hon. friend, Shri C. C. Shah, says that he is against its being incorporated in the statute. I was reading Sir Ivor Jennings' *Lectures on the Indian Constitution*. I do not know whether you have read it. It is a very beautiful series of lectures called the *Alladi Krishnaswami Lectures*. There he is somewhat chaffing us for making our Constitution so detailed. He is saying that the chapters in regard to the judiciary, especially the chapter relating to High Courts, ought not to have been enacted in a Constitution. He says:

> "It is quite obvious that there are clauses in the Indian Constitution which do not need to be constitutionally protected".

An example taken at random is article 224. This article deals with attendance of retired Judges at sittings of High Courts, that is, appointment of *ad hoc* Judges. It empowers a retired Judge to sit in a High Court. Is that a provision of such constitutional importance which needs to be constitutionally protected and capable of amendment only subject to the approval of two-thirds of the members of each House sitting and voting in the Indian Parliament? That is what he asks.

There may be a good deal of force in Sir Ivor's observations. You know he is one of the greatest authorities on constitutional law, not only in England. He is the man who drafted the Ceylon Constitution. He is recognised as an expert. But we have got it in our Constitution, rightly or wrongly. We have embodied these provisions in the Constitution of India. You are not repealing that chapter. Therefore, when you have got that chapter, I am suggesting that there is a good deal of force in what Shri Frank Anthony is saying. That will raise the standard of the judiciary. That will make the Bar

[Shri N. C. Chatterjee]

feel more happy. That will inspire greater confidence among the members of the litigant public.

Shri C. C. Shah says that there may be some memorandum formulated on this. I have very little faith in these circulars or memoranda. God alone knows whether the memorandum will not get into a pigeon hole, and nothing happens. Unless you put it here, somewhere, in black and white, it shall never be done and it may be lost sight of. I would, therefore, appeal to Shri Pataskar. If this appeals to him, I think something should be done to implement that suggestion.

There are one or two other matters I wanted to deal with. One is with regard to additional and acting Judges. Shri C. C. Shah does not approve of this idea. I am sorry to say that there is absolutely no other alternative. The day I resigned my Judgeship of the Calcutta High Court, there were about 9,500 suits pending on the original side. That very day, the Chief Minister of my State, Dr. Roy, asked me to accept a seat on the Judicial Inquiry Commission presided over by Sir Trevor Harries. When I went six or seven months later to the High Court of Calcutta to attend the Commission's sittings, the Chief Justice told me: 'Chatterjee, do you know what has happened? The arrears have today gone up to about 11,000'. I am told that in the biggest State, of Uttar Pradesh, the arrears are colossal. I was once told that the arrears were over 25,000. Now I understand the figure has gone to over 30,000.

How many permanent Judges will you appoint? You will have to appoint acting Judges and additional Judges. (**An Hon. Member**: For how long?) Until the arrears are cleared. What I am saying is that you cannot possibly expand the composition of the High Court to an indefinite number. There is no way out. My hon. friend, Shri Pataskar, has got the figures much better.

Shri Debeswar Sarmah (Golaghat—Jorhat): Cut down the holidays.

Shri N. C. Chatterjee: Now, I am a refugee in the streets of Delhi. I shall be glad if you cut down the holidays.

But what I am pointing out is that this is a wrong notion. This notion has started unfortunately. The Chief Justice of America is supposed to have said that they never go into vacation unless they clear up the arrears. But do you know what happens there? Out of 1,600 applications field—there are no regular appeals there—about 1,300 or 1,350 are dismissed *ex parte* in Chambers without being heard. Will India ever tolerate such disposal without due hearing, our judges to sit in Chambers and not hear lawyers or allow anybody to approach them and dispose of cases on the papers and dispense executive justice? That may be the American tradition but that won't work here. After all, our system is different and, in this country, as things are, I do not think......

Shri B. K. Ray: They are supplied with full briefs.

Shri N. C. Chatterjee: That is also another thing. They are not only supplied with full briefs but they also get one other thing. Every judge has got one or two Associate Registrars with them who are competent lawyers and they study all the cases and the briefs are prepared.

You have also, Sir, some experience of the Supreme Court. In the Supreme Court, for the purpose of filing a statement of the case—Pandit Bhargava will let you know the position there—it is only Rs. 32 or Rs. 50 or something like that which is allowed on taxation, which is something absurd. If the brief is to be prepared then it is not an easy thing. Then, there is no original jurisdiction there. But, under article 32 of our Constitution every citizen of India has got the right to go to the Supreme Court for the purpose of vindicating and for enforcing the fundamental rights. In a case in the Supreme Court the Attorney-General said, you must come through the High Court and I argued on behalf of the citizens that this is their guaranteed right. Chief Justice Shastri said that we have made a departure from the American law that you must go to the State Court and then to the Appellate Court and then come to the Supreme Court. Here it is entirely different; it is my option. The fundamental right is guaranteed and the remedial right is given there in article 32 and it is also guaranteed as a fundamental right. Our position is different. You cannot say, as the Chief Justice of America was telling us, that we have got the judgements of the first court on record and we can decide. Here even when we have no judgements, you cannot say that you can decide with only one hour's argument. You cannot have that in this country because there is no judgement. Anybody who feels that his fundamental right is taken away can come and say, my freedom of speech has gone, my freedom of expression has gone, my right of assembly has gone or my right to carry on business is affected and, therefore, give me this right. I am submitting there is no escape from that. You cannot be obsessed by American precedents, by American conventions. The systems are different; the constitutions are different; the pictures are different and, therefore, it is not good precedent not in *pari materia*. Unless that is done, there can be no satisfactory solution.

I do not know why in the Rajya Sabha Shri Datar had said that the Bar in India is so devoid of public spirit that it had refused to accept Supreme Court judgeships.

Shri B. K. Ray: Who said that?

Shri N. C. Chatterjee: Shri Datar is reported to have said that in the Rajya Sabha. I never heard of it. As a matter of fact, the Bar was complaining that it is close preserve of the judges and *ex*-Judges. You know, in America, Justice Frankurter was taken from the Harvard University into the Supreme Court. As a matter of fact, the present Chief Justice, Mr. Justice Warren has been taken from public life. He was the Governor of California and he came to the Supreme Court as Chief Justice though men like Justice Frankurter and others were there. Justice Brandeis was taken like that. But we always think that judicial talent and forensic ability is confined only to judges and *ex*-judges and nobody else. Let us think of other people. The Chief Justice of America was assuring us that the contribution of the Supreme Court to the development of American jurisprudence and the expansion of human liberty has been possible because of the association of men from the distinguished public life in the Supreme Court. I do not think that the charge made by Shri Datar is a fair charge; I hope that charge would not be made. On the other hand, the Bar did not canvass and had no objection but it often expressed the feeling that the American convention should be tried in this country.

Mr. Deputy-Speaker: Pandit Bhargava. As there are a number of Members who want to speak, I will request hon. Members to be brief.

Pandit Thakur Das Bhargava: Sir, I have given notice of some amendments, No. 74 to clause 12 and No. 102 to clause 13, No. 76 to clause 15 and also 105 and I propose to speak on these amendments.

Mr. Deputy-Speaker: I will read the list of amendments to this group of clauses, 11 to 16, 20A and 25, which have been indicated by the Members to be moved subject to their being otherwise admissible.

Clause	11 .	30, 142
	11 A .	99
	12 .	10, 143 (same as 10), 11, 74 (same as 11), 144 (same as 11), 163 (same as 11 & 145
	13 .	146, 12, 100, 172, 19, 101, 147 (same as 101), 102, 164, 104, 14, 103 and 213
	14 .	15 and 104
	14A (New).	193
	15 .	16, 148, 165, 105, 17, 76 (same as 17), 100 (same as 17) and 149
	16 .	106, 107, 18, 39
	20 A .	31, 150, 25 and 26
	25	194

Clause 11.— (*Amendment of article 216*).

Shri Frank Anthony: I beg to move.

Page 7—

for clause 11, *substitute*: .

'11. *Amendment of article* 216.—In article 216 of the Constitution, the following further proviso shall be added, namely:

> "Provided further that at least one-third of the number of judges in a High Court shall consist of persons who are selected from outside the State".'

Shri Hem Raj: I beg to move:

Page 7—

for clause 11, *substitute*—

'11. *Amendment of article* 216.—In article 216 of the Constitution, for the proviso, the following proviso shall be substituted, namely:

> "Provided that at least one third of the Judges in a High Court shall consist of persons who are recruited from outside that State".'

New Clause 11-A

Shri Shree Narayan Das (Darbhanga Central): I beg to move:

Page 7—

after line 26, *insert*:

"11-A. *Amendment of article* 217.—In article 217 of the Constitution, in clause (1), the words "the Governor of the State" shall be omitted.

Clause 12.— (*Amendment of article 217*).

Shri K. K. Basu: I beg to move:

Page 7, line 32—

for "sixty years" *substitute* "sixty-two years".

Shri N. R. Muniswamy: My amendment No. 143 is the same as amendment No. 10 moved by Shri K. K. Basu just now.

Shri U. M. Trivedi: I beg to move:

Page 7, line 32—

for "sixty years" *substitute* "sixty-five years".

My amendment No. 74 is the same as amendment No. 11 moved by Shri U. M. Trivedi just now.

Shri Krishnacharya Joshi (Yadgir): My amendment No. 144 is also the same as amendment No. 11.

Shri Kamath: My amendment No. 163 is also the same as amendment No. 11.

Shri Krishnacharya Joshi: I beg to move.

Page 7—

after line 32, *add*:

'(2) in article 217, after clause (1) the following clause shall be inserted, namely:

> "(1-A) A person shall not be qualified for appointment as a Judge of a High Court unless he has attained the age of forty-five years and is well conversant with Hindi, the national language".'

Clause 13.—(*Substitution of new article for article 220*).

Shri N. R. Muniswamy: I beg to move.

Page 7, line 36—

for "as a permanent Judge" *substitute* "either as a permanent Judge or an acting Judge."

Shri B. K. Ray: I beg to move:

Page 7, lines 37 and 38—

for "in any court or before any authority in India except the Supreme Court and the other High Courts" *substitute* "in that court and the courts subordinate thereto".

Shri N. C. Chatterjee: I beg to move:

Page 7, lines 37 and 38—

for "in any court or before any authority in India except the

Supreme Court and the other High Courts" *substitute* "in that High Court and the courts subordinate thereto or shall hold any office other than a judicial or quasi-judicial appoinment".

Shri R. D. Misra (Bulandshahr Distt.): I beg to move.

Page 7, lines 37 and 38—

for "in any court or before any authority in India except the Supreme Court and the other High Courts" *substitute* "in that court or any authority or Tribunal subordinate to that court or before any court subordinate to any other High Court or Judicial Commissioner's Court in India:

Provided such a bar shall not apply to any judge of a High Court of the Part B States abolished by section 50 of the States Reorganisation Act, 1956."

Shri K. K. Basu: I beg to move:

Page 7, lines 37 and 38—

for "except the Supreme Court and the other High Courts." *substitute* "or shall hold any office under the Governments of the State and of Union except any judicial or quasi-judicial appointment made by the Chief Justice of the Supreme Court or any High Court".

Pandit Thakur Das Bhargava: I beg to move:

Page 7, line 38—

omit "and the other High Courts".

Shri Krishnacharya Joshi: My amendment No. 147 is the same as amendment No. 101 moved by Pandit Thakur Das Bhargava just now.

Pandit Thakur Das Bhargava: I beg to move:

Page 7, line 38—

add at the end:

"in which he has never held any temporary or permanent office of the High Court Judge".

Shri Kamath: I beg to move:

(i) Page 7, line 38—

add at the end:

"or shall hold any office of profit under the Government of India or of any State."

(ii) Page 7, line 38—

add at the end:

"or shall hold any executive office including that of Administrator, Governor or Head of an Indian Mission abroad, under the Government of India or the Government of any State."

Shri U. M. Trivedi: I beg to move:

Page 7—

after line 38, *add*:

"Provided, however, that such a bar shall not apply in the case of a Judge of any High Court of the Part B States abolished by section 50 of the States Reorganisation Act, 1956."

Shri N. C. Chatterjee: I beg to move:

Page 7—

after line 38, *add*:

"Provided that the restriction on practice as aforesaid shall not apply to a Judge of any High Court of a Part B State abolished by the States Reorganisation Act, 1956, and who has not been appointed as a permanent Judge of any High Court in India."

Shri Datar: I beg to move:

Page 7—

after line 38 *add*:

'*Explanation*.—In this article, the expression "High Court" does not include a High Court for a State specified in Part B of the First Schedule as it existed before the commencement of the Constitution (Seventh Amendment) Act, 1956.'

Clause 14.— (*Amendment of article 222*).

Shri K. K. Basu: I beg to move:

Page 8—

omit line 4.

Shri N. C. Chatterjee: I beg to move:

Page 8—

for line 4, *substitute*:

> "(2) Parliament may by law determine, such compensatory allowance as a Judge transferred under clause (1) may be entitled to receive in addition to his salary:
>
> Provided that until Parliament makes any law making provision to the contrary any Judge who is in receipt of such allowance shall be entitled to receive the same."

New Clause 14A

Shri Kamath: I beg to move:

after clause 14, *insert*:

> "14-A. *Amendment of article* 124.—In clause (7) of article 124 of the Constitution the words 'or shall hold any executive office, including that of Administrator, Governor or Head of an Indian Mission abroad, under the Government of India or the Government of any State' shall be added at the end."

Clause 15.—(*Substitution of new article for article* 224).

Shri U. M. Trivedi: I beg to move:

Page 8, line 11—

for "duly qualified persons" *substitute*—

> "any person who has held the office of a Judge of a High Court".

Shri N. R. Muniswamy: I beg to move:

Page 8, line 12—

after "two years" *insert*:

> "at the first instance".

Shri Kamath: I beg to move:

Page 8—

after line 19, *add*:

> "(2A). The number of Judges in a High Court shall not continue to be below the sanctioned strength for a period exceeding one month."

Pandit Thakur Das Bhargava: I beg to move:

Page 8—

omit lines 20 to 22.

Shri U. M. Trivedi: I beg to move:

Page 8, lines 21 and 22—

for "sixty years" *substitute* "sixty-five years".

Pandit Thakur Das Bhargava: My amendment No. 76 is the same as amendment No. 17 moved by Shri U. M. Trivedi just now.

Shri Kamath: My amend No. 166 is also the same as amendment No. 17.

Shri N. R. Muniswamy: I beg to move:

Page 8, lines 21 and 22—

for "sixty years" *substitute* "sixty-two years".

Clause 16.—(*Substitution of new articles for articles* 230 *to* 232).

Shri Shree Narayan Das: I beg to move:

(i) Page 8, line 27—

add at the end:

> "or any territory comprised within the territory of India but not included within any State or within any Union territory."

(ii) Page 8, line 29—

add at the end:

> "a territory as specified in clause (1)".

Shri K. K. Basu: I beg to move:

Page 8, lines 30 and 40—

for "for two or more States or for two or more States" *substitute* "for a State".

Shri C. R. Narasimhan (Krishnagiri): I beg to move:

Page 8, lines 39 and 40—

for "or for two or more States and a Union territory" *substitute* "or for a State and a Union territory or for a State and one or more States or Union territories".

New Clause 20A

Shri Frank Anthony: I beg to move:

Page 10—

after line 33, *insert*:

'20A. *Amendment of article 312.*—In article 312 of the Constitution, in clause (2), for the words "and the Indian Police Service" the words "the Indian Police Service, the Indian Service of Engineers, the Indian Foreign Service and the Indian Medical and Health Service" shall be substituted.'

Shri Hem Raj: I beg to move:

Page 10—

after line 33, *insert*:

'20A. *Amendment of article 312.*—In clause (2) of article 312 of the Constitution, after the words "the Indian Police Service" the words "the Indian Service of Engineers, the Indian Foreign Service, the Indian Medical and Health Service, the Indian Education Service, the Indian Forest Service and the Indian Veterinary Service" shall be inserted, and after clause (2), the following proviso shall be added, namely—

"Provided that fifty per cent. of the new entrants in any cadre of the All India Services in any State shall be from outside the State concerned."'

Shri R. N. S. Deo (Kalahandi-Bolangir): I beg to move:

(i) Page 10—

after line 33, *insert*:

'20A. *Insertion of new article 335A.*—After article 335 of the Constitution, the following article shall be inserted, namely:—

"335A. *Claims of linguistic minorities to services and posts.*—The claims of members of any linguistic minority shall be taken into consideration consistently with the maintenance of efficiency of administration in making of appointments to services and posts of a State, and in a bilingual or multilingual area of a State, appointments to all ministerial and inferior grades in a sub-division or district shall be made as far as may be in accordance with the percentage of the different linguistic groups in the respective sub-division or district concerned".'

(ii) Page 10—

after line 33, *insert*—

'20A. *Insertion of new article 338A.*—After article 338 of the Constitution, the following article shall be inserted, namely:—

"338A. (1) There shall be a Special Officer for the linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to safeguards provided for linguistic minorities in this Constitution or any representation made by such minorities and report to the President at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

(3) After the report has been discussed in Parliament, the President shall issue such directions to any State as he may deem proper and such directions shall be binding on that State.

[Shri B. N. S. Deo]

(4) In this Constitution reference to language means any of the fourteen languages enumerated in the English Schedule and "linguistic minorities" means in respect of a State a minority speaking a language which is spoken by at least 15 per cent. of the population of the State and in respect of a sub-division or district a minority speaking a language which is spoken by at least 15 per cent. of the population of that sub-division or district:

Provided that in a multilingual or bilingual area of a State, the single majority language spoken in the area shall be deemed to be the majority language in each sub-division or district and the other language or languages spoken by 15 per cent, or more of the population shall be deemed to be minority languages in the area concerned'."

Clause 25.—(*Amendment of the Second Schedule*).

Shri Datar: I beg to move:

Page 13—

for line 28, *substitute*:

"(ii) for sub-paragraphs (3) and (4), the following sub-paragraph shall be substituted, namely:

'(3) Any person who, immediately before the commencement of the Constitution (Seventh Amendment) Act, 1956, was holding office as the Chief Justice of the High Court of a State specified in Part B of the First Schedule and has on such commencement become the Chief Justice of the High Court of a State specified in the said Schedule as amended by the said Act, shall, if he was immediately before such commencement drawing any amount as allowance in addition to his salary, be entitled to receive in respect of time spent on actual service as such Chief Justice, the same amount as allowance in addition to the salary specified in sub-paragraph (1) of this paragraph'."

Mr. Deputy-Speaker: All these amendments are before the House.

Pandit Thakur Das Bhargava: In clause 12, my amendment is that instead of 60 years it should be 65 years. With regard to clause 13, I have put in amendments that the words "other High Courts" may be taken away and secondly that some words may be added to the effect that if he happened to be in any territory in a temporary or permanent capacity then, so far as that court and other subordinate courts thereto are concerned, he may not be allowed to practise there.

My humble submission is this. It is quite true that as remarked by Shri Shah that at the time the Constitution was made we went into very great details of this matter and ultimately came to the conclusion that 60 was the proper age, and, at the same time, that these judges should not be allowed to practise after retirement. Even then it was also felt that this is a provision which may work hardship and it is a matter on which it is difficult to have a definite opinion. In my humble opinion, I do not see any reason why a judge of the Supreme Court could be allowed to remain a judge up to 65 years and not a judge of the High Court who could remain in office only up to 60 years of age.

Shri B. K. Ray: Exactly.

Pandit Thakur Das Bhargava: So far as the question of pay is concerned, I understand the pay of the Chief Justices of High Courts and the pay of the Puisne Judges of the Supreme Court is the same. But, so far as the field of recruitment is concerned, it is only from the High Courts that the Supreme Court Judges usually come. So far as the working capacity is concerned, so far as the physical capacity is concerned, I do not see any difference at all between a High Court

Judge and a Supreme Court Judge and it is not in the interests of the country......

Shri Debeswar Sarmah: Then, why do the Supreme Court hear appeals from High Courts.

Pandit Thakur Das Bhargava: I do not think physical fitness or intellectual fitness becomes greater when a person becomes a judge of the Supreme Court. It is a different matter that one Judge hears appeals from the orders of other High Courts. So far as these things are concerned, I would say that the question whether a person should retire at a particular age should be considered on the basis whether he is intellectually and physically fit to do that work or not. I find that so far as High Court Judges are concerned, if a Supreme Court Judge can work up to 65 years, there is no reason to think that High Court Judges will not be able to discharge their duties up to 65 years—duties which are of an equally onerous character. I will not say that the duties of the Supreme Court Judges are much more onerous; I will not say that. In my humble opinion, a High Court Judge discharges a very important duty, and his physical fitness and intellectual fitness should be considered.

3 P.M.

Shri U. M. Trivedi: A very cogent argument; this is a very important argument but nobody over there is listening to it.

Pandit Thakur Das Bhargava: So far as other public servants are concerned, the age has been increased from 55 to 58 and they are also given extension in very many cases. As a matter of fact, the longevity of India has increased, the life expectation has increased. Therefore, it will be fair that we should regard 65 as the proper age of retirement. Moreover, after a person becomes a High Court or Supreme Court Judge, we have complete confidence in him and the continuance of his usefulness should not be curtailed because he attains the age of 60. From all these standpoints, I am of the view that the age should be 65. If the age is 65 for a High Court Judge, then I should think that the provision that we are making for his practice becomes to a certain extent rather illusory. If he is allowed to remain a Judge up to the age of 65, I will not care if he is not allowed to practise in other High Court also. So far as the Supreme Court is concerned, if he can even think, as Shri Chatterjee remarked just now, that if a Supreme Court Judge can be influenced by the fact that a certain Judge of that very Court is appearing before him and he can give a judgment otherwise than he would do if another person appeared, I think we might lose all confidence in the Court. So far as the Supreme Court is concerned, I am clearly of the opinion that the High Court Judges should have liberty to practise as long as they keep fit. As Shri Chatterjee is allowed to practise even today and other persons who are older than him are also allowed to practise, there is no reason why a High Court Judge should not be allowed to practise in the Supreme Court up to the time he actually becomes physically unfit.

If this amendment is not accepted and the rule of 60 is there, then I understand it is certainly a very great hardship if the High Court Judge s not allowed to practise in other High Courts also. As has been stated by you already,—I do not want to repeat those arguments—it is quite clear that so far as confidence in Courts is concerned, so far as our judiciary is concerned, we must preserve it to the best of our ability and see that people sustain their confidence in the judiciary. This is only possible if the judiciary is independent and dependable. A Judge may be doing the right thing, but at the same time we must see that the confidence of the public in the Judge remains unimpaired. It will not remain so if you allow the Judges to accept executive offices. It is not that those Judges will not work well Dr. Katju might have been quite correct when he said that Judges would be making ideal Governors. It may

[**Pandit Thakur Das Bhargava**]

be right; but how will the public think about him? They will think that this man, while acting as a Judge, is looking to Government......

An Hon. Member: They are doing so already.

Pandit Thakur Das Bhargava: I am quite clear in my mind that we should make it an absolute rule that no Judge of a High Court shall at any time be allowed to accept an executive office, so that he may not look forward to it.

Shri Sinhasan Singh (Gorakhpur Distt.—South): Free service.

Pandit Thakur Das Bhargava: So far as the words "other High Courts" are concerned. I have two amendments. My first amendment seeks to delete the words "and the other High Courts". This is only if the age is increased to 65. If the High Court Judge is retired at the age of 60, they should be allowed to practise in the Supreme Court and other High Courts in which they have not been Judges. Now we have a provision that they may be transferred also. I want therefore that in those courts where they have been Judges, they should not be allowed to practise—not because that the Judges of the High Court will succumb to any influence, not because that the High Court Judges will stoop to any bad practices, but only to see that the public retains the confidence. Therefore, in the subordinate courts and in those courts where they have been judges, they should not be allowed to practise and that is in the interest of the public.

In regard to caluse 15, I have submitted an amendment that sub-clause (3) is quite unnecessary. You will be pleased to see that if you are amending it by clause 12, where the words read:

> "shall hold office in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years"

then there is no need to repeat the same provision in sub-clause (3) here. Shri Shah was also of the same opinion but I do not agree with him when he said that clause 12 may go. In my humble opinion, sub-clause (3) of clause 15 should go, because in clause 12 we have two cases—

> "shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case...."

This is an all-embracing provision. If you take away sub-clause (3) of clause 15, nothing will be lost because we have already provided for a contingency like this under clause 12.

Shri Frank Anthony: I have two amendments in my name on this particular set of subjects; one is No. 30 in respect of clause 11 and it reads like this:

> "Provided further that at least one-third of the number of judges in a High Court shall consist of persons who are selected from outside the State."

I have given notice of this amendment because this recommendation has been categorically made by the States Reorganisation Commission. At page 233 of their Report, they have said:

> "Guided by the consideration that the principal organs of State should be so constituted as to inspire confidence and to help in arresting parochial trends, we would also recommend that at least one-third of the number of Judges in a High Court should consist of persons who are recruited from outside that State."

Quite frankly I do not think this matter was considered by the Joint Committee; in our preoccupation with other, at that time, controversial and more important issues we lost sight of many—I think we did—of the more vital recommendations made by the Commission. And this is one of the recommendations which I feel we overlooked. Shri Shah agrees in principle, and I would like the attention of the Minister of Legal Affairs in this matter because, as I was saying, this particular matter was lost sight of by the Joint Committee. I do not know what the attitude of Government is to this particular question. But Shri Shah—I do not know whether he was speaking for the Government—said that the principle is unexceptionable, but he did not see any reason for this thing being embodied in the Constitution. I, on the other hand, feel—and I agree with Shri Chatterjee—that since we have crystallised all these various provisions with regard to the appointment of judges, it is a necessary corollary that it must be included as part of article 216.

At present, all that article 216 provides is power to the President to appoint Judges. I have little faith in advices either to the Chief Ministers or even to the Chief Justices of High Courts. I feel that this is a provision which must be made absolutely mandatory. Some of us who are practising at the bar have our fingers on the pulse on the feelings in different bar associations and also among the litigating public. There is a feeling —it may not be justified—that there is a danger of judicial appointments being made because of political and even regional considerations. As has been pointed out, our judiciary is the chief bastion of liberty and freedom. If there is any tendency for any of these reactionary trends to condition the appointment of Judges, whether regional or parochial, it will definitely undermine the integrity and the standing of the judiciary. So, I feel it is very vital that we must have this as a specific provision in the Constitution as a counter-poise to any kind of regional tendencies creeping into the judiciary. There is no doubt that, with the reorganisation of States, this tendency of regionalism and parochialism conditioning the thinking and attitude of our judiciary is likely to be there. If it is not there it has got to be guarded against. For that, this is necessary.

Shri Chatterjee has made a plea that certain relaxation should be given in respect of Judges being allowed to practise in subordinate courts. This is a matter which has been the subject of not an inconsiderable controversy. This question of allowing the judges, after they come down from the bench, was considered in great detail by the framers of the Constitution. We considered from every aspect and then, advisedly, decided that, in the best interest of maintaining the integrity and reputation of the judiciary, no person who has been a Judge should be allowed to practise. That, I feel, was a salutory and wholesome principle and I am not at all happy about this relaxation in the matter of allowing the retired Judges to come down and practise. As has been suggested by Shri Chatterjee and others, let us extend the age of retirement for 65 or 70. Let us have a much more generous pension scheme. Let the pension approximate to the salary. I feel that, because we are not prepared to have the correct approach, we are compromising on a vital principle necessary to maintain the integrity of the judiciary. I know that Shri Chatterjee, thinking of his past personal experience, does not feel that a person who is an ex-Judge, can at any time influence the members of the judiciary. I think it is not so. We are all human beings; even if we are Judges, we do not cease to be human beings. Because we are human beings, we are conditioned by certain prejudices and predelictions. Those of us who practise, know that, very often, merely because a person has been a member of the judiciary, he enjoys an unfair advantage which is not warranted by his ability.

There is another reason and it is a greater risk. I say that, if you are going to invest your judiciary with the necessary reputation and respect, you must maintain your Judges on a pedestal and you will not maintain them on a pedestal if you allow them to come down, after they have retired, and take part in the hurly-burly of ordinary practice. In this tremendous

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competition which we have at the bar, the ex-Judges are sometimes compelled to fall from their high standards. You may say that such cases may be exceptions but, they are ex-Judges and there may be one or two exceptions which will bring them to contempt and which will bring the whole judiciary into contempt. That is my greatest objection. Even if one ex-Judge or two ex-Judges have, after retirement, to enter the hurly-burly practise, and begin to resort to devious and dubious practices under the compulsions of this excessive competition in the bar, they bring the whole judiciary, into contempt. Once you do that, you expose your judiciary to criticism and attacks.

I feel that many of the things we are doing today tend to undermine the kind of standard and respects and integrity with which our judiciary was once invested. There it is. It may be intengible; it may be, to some extent, undefinable. But, I say today that the respect for our judiciary is not what it was ten or fifteen years ago. All these things that we are doing—ponderables and imponderables—have a cumulative effect and we are contributing to undermine the respect for the judiciary. One of the ways in which we do it is to allow our Judges to come down and practise, to rub shoulders with lawyers and the litigant public.

What happens? A judgement is passed and the Judge has passed it with the best of motives. More often judgements are open to criticism. But the litigant public do not give him all the credit. They say: "You know what he is doing? He is doing this because he has got an eye on that particular firm and that is the firm which he is going to join for the purpose of practising when he comes down from the bench." Why do you expose your judiciary to this kind of thing? I do not say that the Judge himself is thinking of it. As my friend said, Justice must not only be done; Justice must appear to be done. You must not wantonly or righteously, allow anyone to point a finger at your judiciary; by wantonly or righteously doing these things, you make your Judges, rightly or wrongly, the targets of criticism, usually, irresponsible criticism, but, none the less, you make them the targets of such criticism. That is my strongest objection to allow the Judges to practise.

As I say, make the conditions attractive. Let them serve till they are 65 or 70, subject to certain requirements as to their health. Let their pension schemes be liberalised. On principle, it is not good to allow the Judges to come down and enter the hurly-burly of practice.

I am glad that the Prime Minister is here. On this particular matter, I feel there is unanimity of feeling. Shri Chatterjee has spoken very well on this question. He has said that he is allowing for the Government to be subscribed to the principles of ex-Judges having dangled before them the prospect of executive and Government preferment. (*Interruptions*). I think that this is some thing which is completely corrupting from every point of view. It corrupts the public; it corrupts the Judges. I do not know to what extent it corrupts the Judges; it may not corrupt the Judges to a very great extent. Shri Chatterjee who has greater experience in this matter says that, today, you have this demoralising spectacle of Judges moving around the corridors, seeking interviews with Ministers and their deputies and even Parliamentary Secretaries (*An Hon. Member*: Why?) It is something which we cannot tolerate and it is only because of this prospects of preferment that people are allowed to level this charge that our Judges are going round canvassing the Deputy Ministers and Parliamentary Secretaries in the hope of getting some kind of executive or political preferment. The whole thing is quite wrong. As

Shri Chatterjee has said, the individual himself may not be corruptible, the individual himself may not be thinking in terms of executive or political preferment. But what is the public thinking? What are the members of the bar thinking? Today, Sir, a judge, in all honesty, passes a judgment—a Judge of this High Court or a judge of a superior court. He does it, as I say, with absolute *bona fides*. Immediately, if the members of the bar do not see it, the litigant public says: "Do you know why he passes a judgment in favour of the Government? He hopes to become a Lieutenant Governor, a Governor or even an Ambassador in some outlandship place". The whole bar is being brought into contempt and that is my greatest objection. Why are you doing that? Have not you got enough people outside the ex-judges to adorn the Governorship? After all, you have enough people who lose in elections, who have fallen from grace from the Treasury Benches to make your Governors. Why do you want to go to ex-judges. I think the whole thing is quite wrong. I am seriously asking the Minister for Legal Affairs to consider these two amendments; that is, it must be made mandatary that one-third of the judges shall be appointed from outside and,—the amendment of Shri N. C. Chatterjee—under no circumstances shall ex-judges be appointed to executive posts.

Sir, my other amendment is......

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri Frank Anthony: Sir, I will finish very soon. Nobody has spoken on this other amendment and it is a vital matter. It is amendment number 31 which seeks to insert New Clause 20A. It reads like this:

> Page 10—
>
> *after* line 33, *insert*:
>
> "20A. *Amendment of article* 312. —In article 312 of the Constitution, in clause (2) for the words "and the Indian Police Service" the words "the Indian Police Service, the Indian Service of Engineers, the Indian Foreign Service, the Indian Service of and Health Service" shall be substituted.'

Now, Sir, here there has been a typing error. For "Indian Foreign Service" I intended "Indian Forest Service" because the Indian Foreign Service is already an All-India Service. The purpose of my amendment is to implement the recommendations of the States Reorganisation Commission. I think unwittingly we have lost sight of some of their most vital recommendations directed to securing the increase integration of the country.

On page 231 of their Report the Commission has said this:

> "We also consider that, apart from the Indian Administrative Service and the Indian Police Service, some more All-India Services should now be constituted. The question of reconstituting all-India cadres for certain technical departments and particularly the suggestion that the Indian Service of Engineers should be revived, has, we understand, been under the consideration of the Union Ministries concerned for some time."

Then they go on to recommend:

> "We recommend, therefore, that the following Services, namely, the Indian Service of Engineers, the Indian Forest Service, and the Indian Medical and Health Service should now be constituted."

I do not know what the intention of Government is in this matter. You will find that this specific recommendation made by the Commission is contained in the chapter the heading of which is "The unity of India" and I regret to say that we are always paying lipservice to the concept of unity and integration, and when it

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comes to implementing anything we in practice pay homage to everything which tends to disintegrate the country. Scratch most of our people, they are regionalists, parochialists and *Statewalahs*. They deliberately, sometimes unwittingly, side-track everything calculated to lead, as I say, to integration.

What has happened to this recommendation? What is the attitude of Government with regard to the formation of these additional All-India Services? What is the tendency today? I am sorry that the Home Minister is not here, but his deputy is here. What is the tendency today even in your All-India Services? Parochialism is beginning to corrode. I know regionalism is beginning to corrode. I have considerable experience of the Railways. It is the largest single Government Service which is an All-India Service. But what is happening in the Railways today? If a *U.P. walah*—and U.P. is the worst sinner in this matter—

Some Hon. Members: No, no.

Shri Frank Anthony: My friends say: "No, no". Let them talk with other *U.P. walahs* and they will tell what happens in U.P. I am telling you what is happening in the Railways. If a U.P. *walah* gets a senior position, he immediately directs all his energies to surrounding himself with other people from U.P. It is not only in the case of U.P., it happens in other cases also. The Madrasis, the Bengalis all do the same thing. It has happened in our Central Ministry; I do not want to name them because my friends already know it. Why do you blink at facts? Why do you shake your heads and in the lobbies say: "Yes, it is happening". It is happening more and more in the Central Ministry. When somebody gets in, immediately he surrounds himself with the people from his own State. It is something which is endemic in Indian thought; also, this question of parochialism and regionalism. It is there on one of our Railways. I won't cite that example because it may offend somebody. But the thing is happening in the All-India Services.

Mr. Deputy-Speaker: Moreover, the hon. Member's time is up.

Shri Frank Anthony: But nobody has spoken on this subject from this House, Sir. I do not know whether the Home Minister will say that this will offend the States. With all due respect to the Home Minister, a person of his standing and calibre, I cannot understand, at least I can understand but I cannot appreciate his ultra-sensitivit of the States. If I had been a Chief Minister of a State for 20 years I would be ultra-sensitive. But either we subscribe, we categorically encourage centripetal forces or we, on the other hand, categorically encourage centrifugal forces. What we are doing is, in every way, directly or indirectly, we are encouraging centrifugal forces. We are giving hostages after hostages to forces which are going to disintegrate the country. As I say, as a foil, as a counter-poise, let us condemn this. Our Services are falling into regional patterns of All-India Services. With these linguistic States we have given further hostages to disintegration. That is precisely why this SRC has recommended that your administrative fabric has weakened and it is weakening every day.

An hon. Member: What remedy do you suggest?

Shri Frank Anthony: These are the remedies. But we are forgetting the remedies recommended by the SRC. We have a genius for doing this. Something which is good, which does not suit us, we either forget or we side-track. Here, under this chapter under the heading "The Unity of India" they have said that you must do this with regard to the judiciary as a foil to any parochial considerations seeping into your judicial system. They have said, to strengthen your weakening administrative fabric you must create immediately more

All-India Services. Are we doing this? Do you not want to do this? I am not prepared to say that we will consider this, we will issue advice in this matter, we will leave it to the good sense of the States or better sense of the Centre. We have a monstrous—in the sense of size—Constitution. We have provided in it categorically for all minor things. In this article 212 we have provided for certain All-India Services.

Sir, I have forgotten to add the All-India Educational Service. We find education, to the detriment of this country, falling not only into States, not only into regional but falling into parochial patterns. We are going to build up all kinds of water-tight cultural enclaves—excuse the mixed metaphor, but we are going to do that. I would like to add the All-India Educational Service. I am going to ask my friend to think of this, because I am going to press this to a division. I am going to leave it to him to incur the odium of rejecting one of the most salutary, one of the most necessary recommendations of the States Reorganisation Commission, that we must immediately take steps to strengthen our administrative fabric. We must immediately take steps to give hostage to forces of integration and we must immediately take steps to retard this process of disintegration of our administrative services.

Shri U. M. Trivedi: Mr. Deputy-Speaker, I would like to be brief. I find that certain amendments moved by me have, in so many words, been accepted by the Government. My amendment No. 14 to clause 13 has been practically accepted. So, I may not have much to say in that regard. Still, I fail to understand why the Government is feeling circumspect about the whole situation. In 1950, when the Constitution came into force and was applied to all the States of India, that is to say, to the whole of the territory of India, it so happened that some of the judges of high courts in Part B States were not appointed, permanently, but were appointed for a particular period. Some were appointed for one year, some for two years, and in some cases it so happened that at the end of one or two years those people were asked to march off. As the Constitution then stood, and as it stands today, those judges were not allowed to practise anywhere. They were just thrown away on the street and no provision was made to keep them from being starved.

Such a situation was perhaps never contemplated and it has taken us nearly six years to wake up and remedy this state of affairs. That is why I have moved an amendment—amendment No. 14 to clause 13, putting a proviso to the proposed article which restricts practice after being a permanent judge. This is my amendment:

> "Provided, however, that such a bar shall not apply in the case of a judge of any High Court of the Part B States abolished by section 50 of the States Reorganisation Act, 1956."

Shri A. M. Thomas (Ernakulam): There is amendment No. 213.

Shri U. M. Trivedi: Yes; I have read it. Only, an explanation has been added by the Government in that explanation, the Government does not want to go the whole hog. What is behind the back of this explanation, I do not know, nor do I understand. Why my amendment, as it is worded, cannot be accepted and why a new amendment is made? The amendment brought forward by the Government says:

> "In this article, the expression 'High Court' does not include a High Court of a State specified in Part B of the First Schedule as it existed before the commencement of the Constitution (Seventh Amendment) Act, 1956".

I ask, why add an explanation for it? The words 'High Court' are there. The whole proviso should run with the language of the article and if we

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want to put a proviso, then the explanation becomes unnecessary. The explanation is called for only when there is an anomalous position which is being created. An explanation is never used for the purpose of adding to the definition which already exists. An explanation is merely a supplementary to explain away things which create ambiguity either of a latent or a patent type. In this case, no ambiguity exists, and the law must be codified in the manner which I have suggested. I request the hon. Home Minister, who himself is a lawyer, to see that this language is not changed in the manner in which he wants to change.

Then there is another point. I endorse to a great extent the views expressed by my friend Shri Frank Anthony about the judges of the high courts practising not only in the same high court of which they had been judges but even in the other high courts. I personally do not like the idea of these great men who have reached such heights and have been august personages of our country to come in again and practise. They have been so great that they were practically irremovable judges, except by the procedure provided by a provision of the Constitution to be adopted by this House and an address thereon presented to the President by both the Houses. Why should such people come in and rub shoulders with the ordinary folk, more especially with a commoner like an ordinary lawyer? They should be above these things. They should not try to come and take away what little bread the struggling lawyers want to earn, and they should not take a big loaf out of it. Why should they do so?

Of course, it is quite true that at the age of 60, with our present longevity growing, people do not look old. Some of them are quite fit to go about and do things. Pensioners do not like the idea of sitting at home and becoming fossilised. I would like to see that they are either allowed to do some work or the Government should make a provision in the Constitution in the way I have suggested through my amendment No. 12 to clause 12. In that amendment, I have suggested that the age-limit must be extended to 65. There is reason for it. If a high court judge aspires to become a judge of the Supreme Court—as is generally the case—and if he wants to do more arduous duties than what are being done by him now, if he can continue to discharge those duties up to the age of 65, I see no reason why he should not be able to discharge the very duties which are more or less of a similar nature up to the age of 65 as a judge of the high court.

I absolutely see no grounds to differentiate between the two. I would like to submit—and it is my humble opinion—that the age-limit should not be put. The judges should be allowed to continue in service till they themselves choose to retire or till they are afflicted by some kind of incapacity. There are some people who are always shaking their body or limbs, but yet, their intelligence is quite good. They talk very nicely and logically. They talk lucidly and they do the administrative work much more capably than many other persons. Therefore, I see no reason why an age-limit of sixty should be put in the case of high court judges.

There is one point towards which the attention is generally focussed by the public, and which has been voiced to some extent—of course, in a half-hearted manner—by Shri N. C. Chatterjee. We have noticed that from the time the Supreme Court came into being, not a single man has been recruited from the Bar. This is a bad reflection upon our Government and the working of the Constitution.

Shri K. K. Basu: Nobody is willing; that is what they say.

Shri U. M. Trivedi: They may say so.

Mr. Deputy-Speaker: The hon. Member is perhaps more vehement than the members of the Bar are.

Shri U. M. Trivedi: Taking of fresh blood from the members of the Bar will always add to the dignity of the Supreme Court. Such a provision will always give a temptation to the practising advocates before the Supreme Court to practise with great assiduity. I see no reason whatsoever in choosing rich people who are not well-qualified in forensic law but who have become high court judges, for the posts of Supreme Court judges. They should not be simply picked up and put as judges of the Supreme Court. The Government should be very careful in choosing the judges of the Supreme Court and the advice to the President should also be to the effect that opportunities must be given to members of the Bar to be so appointed.

Then, I have given an amendment—amendment No. 16—to clause 15. The proposed amendment to article 224 says that for "any temporary increase in the business of a High Court", "if it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify". What I am afraid of is this. As the proposed amendment says, any qualified person may be appointed, but once he is appointed, his prestige increases. From amongst the members of the Bar, if he is appointed and then after some time, he gets out, his prestige increases among the members of the Bar and he is at a premium. He enjoys better practice than anybody else on account of this differentiation. Under those circumstances, it is my very humble submission that the Government should consider this proposition that, when the appointment is only of a temporary nature, the appointment must always be made from among those who are retired High Court Judges. If they are not going to be allowed to practice in the High Courts, they have nothing else to fall back upon. So, the utilisation of their services must always be there and a new man should not be appointed just for the sake of raising his prestige and putting him at a premium over the others for a very short period and then giving him a fillip in his practice. This would be a discrimination of a very ugly nature and should be avoided.

There is one more thing. I agree with Pandit Thakur Das Bhargava; I see no reason whatsoever for making an amendment in article 224 of the Constitution saying,

> "No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty years."

This has already been provided for in article 217 as follows:

> "shall hold office, in the case of an additional or acting Judge, as provided in article 224, and in any other case, until he attains the age of sixty years".

This is merely a repetition. It should be put in a very simplified language and there should not be more repetition.

Shri A. M. Thomas: With all my respect for the wisdom and experience of Members like Mr. Chatterjee, I find it difficult to agree to several of the amendments which have been moved to these clauses. I think that a sort of leaning towards vested interests has crept in, in the discussion on these amendments.

I shall first deal with the age of retirement for High Court Judges. By one group of amendments, it has been suggested that the age of retirement may be raised to 62. Another set of amendments has suggested that the age may be raised to 65. Shri Chatterjee has referred to the age of retirement obaining in many foreign countries.

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I would respectfully ask what exactly is the average duration of life of an Indian and that of a citizen of the other countries he has referred to. Mr. Bhargava has said that the longevity of life in India has increased. But whatever it be, it is a well-known fact that even now the average expectation of life of an Indian is perhaps the lowest.

An Hon. Member: Survival of the fittest.

Shri A. M. Thomas: The question that we have to consider now is whether we should fix any limit at all. If we must fix any limit, I say it must be a reasonable limit. The age of 60 years has been fixed in the Constitution and that is not sought to be disturbed by this Bill also. Ordinarily speaking, when a person attains the age of 60, it is deemed for all practical purposes that he has lived his life. In the south, in our place, a person who has attained the age of 60 is said to have attained *Shashtiabdapurthi* and the occasion is celebrated with pomp and glory. I think that the age of 60 is very reasonable. There are good reasons why that should not be disturbed. The age for retirement in our services now is 55. Even for District Judges, it is 55. If you are appointed to a district court, you have to retire at the age of 55. You should not shut your eyes to the existing conditions of service in the various States. The District Judge has to retire at 55; if by some change he gets into the High Court, according to the amendment, he can carry on till 65. I think this proposed differentiation between District Judges and High Court Judges if accepted would be quite unfair. At present the District Judges have to retire at 55, the High Court Judges at 60 and the Supreme Court Judges at 65. I would ask Mr. Chatterjee just to sound any lawyer. He has got several friends in the Bar, and I would say that 99 per cent. of the lawyers in this country would feel that the age of retirement should not be increased at all.

Mr. Deputy-Speaker: There may be lawyers in the Supreme Court who may not like the Judges to retire early.

Shri A. M. Thomas: Yes; there may be lawyers in the Supreme Court—consisting mainly of retired High Court Judges—with very lucrative practice; with regard to them the opinion may be different.

Suppose the age of retirement of a High Court Judge is raised to 65. That means that all the Judges now in India in the various High Courts will continue at least for a period of five years, if not more. That means there is no possibility of any recruitment from the Bar at all for the next five years. There will also be no possibility of promotion from the District Judges to the High Court for a period of five years. Does Mr. Chatterjee want such a situation in this country? Does he want that competent lawyers from the Bar should not be recruited to the High Court for the coming period of five years? Therefore, this idea cannot at all be welcomed or accepted.

Shri N. C. Chatterjee: I am sorry my friend has not understood me correctly. I said, there is absolutely no reason for the disparity in the Judiciary in the High Court and the Supreme Court. If you maintain that the age of retirement should be 65 for Supreme Court Judges, there is absolutely no reason for restricting the age to 60 in the case of High Court Judges. If you do not do that, you must remove the artificial embargo on practice in the High Courts.

Shri A. M. Thomas: The very same reason for having a distinction in the retirement age of the District Judge and the High Court Judge, namely 55 and 60, should apply to the distinction between the High Court Judge and the Supreme Court Judge.

Although it may be said that in the matter of the selection of certain lawyers from the Bar, people with very lucrative practice may not agree to come to the High Court or the Supreme Court, I think the conditions of service of Judges are attractive enough. No Member of the Joint Committee did grudge the raising of the salary of all the High Court Judges to the same level. We have now fixed a salary of Rs. 4,000 for the Chief Justice and Rs. 3,500 for the other Judges. Having regard to the general level of income in this country, this is a very attractive salary. For all practical purposes, to be a Judge in the High Court or the Supreme Court should be considered to be a price job. So, I do not think any further relaxation of the rules is called for.

Generally when we extend the age of superannuation, the main consideration that we have in view is the dearth of personnel. In this particular case, I do not think there is dearth of personnel. As far as our country is concerned, there are competent persons in the Bar and in the lower judiciary who would very well fit in with the appointment to the High Court.

I next come to the question whether these retired judges should be allowed to practise or not. I for one would agree with Mr. Anthony to have a complete embargo on practice. But the provision in the Constitution Amendment Bill does not go so far. It says that there will be bar only for the judges to practise before the High Court in which they were judges and also the subordinate courts all over the country. However much Mr. Chatterjee may say that a judge would not be influenced by the fact that a retiring judge is appearing in a particular case, human nature being what it is, as a matter of fact the practising lawyers know that although in the actual decision of the case it may not reflect that some favour is being shown to lawyers who are retired judges, there are instances where the junior lawyer, however efficient he may be, while arguing would not be even allowed to open his mouth to urge a particular viewpoint whereas if a retired judge is arguing the case he can argue for any length of time and the person in the bench would be taking down notes also.

Shri B. K. Ray: Because he argues well.

Shri A. M. Thomas: It is too presumptions to suppose that all retired judges are repositories of wisdom. Even if first rate lawyers, lawyers who have considerable practice and who can put the case forcibly, argue the case, the judges may not give so much weight but if retired judges are practising

Shri B. K. Ray: How many retired judges are there?

Shri A. M. Thomas: It is human nature.

Shri B. K. Ray: In the whole of India there are only one or two judges.

Shri A. M. Thomas: We know that as far as the public is concerned, they think that if they entrust their case to lawyers who happen to be retired judges, there may be better possibility of winning their cases and, as Mr. Bhargava has mentioned we must see that the public do not entertain any such suspicion or have any such impression at all.

Then there is the question of employing retiring judges. My opinion is that we should not put any embargo at all on their employment. For that matter, we put as the Chairman of the States Reorganisation Commission a retired judge of the Supreme Court. We know that he has discharged his duties very satisfactorily and efficiently and the question is whether when similar circumstances arise the nation should be deprived of their services. In some of the enactments which we have passed, for instance the Industrial Disputes (Amendment) Bill, we have put in

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a provision that for appointment to the Industrial Tribunal a person must be either a sitting judge of a High Court or a retired judge of a High Court. That provision has been inserted as a result of the tripartite conference between Government, employers and labour. I think we should not put any embargo on their appointment. What we have to guard against is that when they serve as High Court judges there must be nothing in their way which would influence them in any way in favour of the executive. In this respect the provision in the Constitution is that for removing a judge the permission of the House would be necessary. While Mr. Chatterjee says that no judge would be influenced by the fact that a retired High Court judge is arguing in a case, why not that argument be put in the other side also? Why should he think that inexpectation after retirement of an executive appointment he would decide in favour of the Government? That will be doing little justice to the judiciary of this country which has got a great reputation.

So I oppose all the amendments except the amendment which authorises the judges of the Part B High Courts who are not going to be appointed to the new High Courts to practise. That is because of the special circumstances of the case and in no other case, I think, any change is called for in this amendment.

Shri Kamath: Though I have tabled several amendments, I have moved only amendment Nos. 163, 164, 165, 166, 193 and 194. I do not propose to move amendment No. 181 because I have given other amendments in its place. I will be very brief as much of the ground has been traversed by my hon. colleagues already.

The House is well aware that the preamble to our Constitution is illumined by four great mantras: justice, liberty, equality and fraternity; and justice occupies the first, the foremost place among these four mantras which illumine the Constitution. It is admitted that an independent judiciary, a strong judiciary is the last bastion of democracy and if the judiciary falls, democracy falls equally, and it is in the interest of our sovereign democratic Republic, that is, India, that we should endeavour, this Parliament should endeavour, by all means at our disposal to ensure the independence, the integrity and the strength of our judiciary. I have been constrained to say that during the last few years there has been a complain, not a very vocal complaint, but suppressed whispers going on, that the calibre of our High Court judges at any rate is not the same as what it was ten or fifteen years ago. It is unfortunate that such an impression is created, but it is there for what it is worth, we should take time by the forelock, we should take adequate measures to meet the situation, and to see that the standards of our judiciary do not deteriorate at all. My friend, the late Prof. K. T. Shah moved an amendment in the Constituent Assembly in this direction though may be differently worded. But, unfortunately, it was not accepted by the Constituent Assembly. My hon. friend, Mr. Ray referred to this matter again. I do not want to dwell upon it further. It is imperative, it is essential that this bait of an executive office, however high it may be—it may be a governor or an ambassador or anything of that sort—should not be held before our judges, the judges of our land, like the proverbial carrot before that much maligned animal. I dare not cast aspersions on the members of the judiciary who hold high office. But it has been suspected, that this bait of executive office corrupted insidiously, may not be openly but subtly, the judiciary. Therefore, to the end that our Judges may be above temptation, we should ensure first, that they are paid well. I am glad to see that the salary is fairly adequate. Secondly, we should see that after retirement, they enjoy a fairly reasonable pension. I am not against increasing the pension if that could ensure the independence of the judiciary, and act as a bar to the employment of retired Judges in high executive office. Therefore, I have moved these two amendments. In the third column against amendment No. 193, it should have been clause 14A. It has been printed as 4A. This is a mistake. This may be taken note of. Amendment No. 194 applies to retired High Court Judges and Supreme Court Judges.

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May I, in referring to the other two amendments about the retiring age of Judges, briefly suggest that a Judge, by and large, generally speaking, enjoys better physical health than persons employed in executive office or any other office. It is common experience that Judges on the whole keep fitter longer than others. Therefore, I would not have minded, I would have even welcomed, an amendment of the relevant article of the Constitution increasing the age of retirement of Supreme Court Judges from 65 to 70. I do not know why it cannot be done. In the United States of America, I am told, there is no age of retirement. They hold office for life. In India it may be increased 70 with our improving health standards.

Mr. Deputy-Speaker: Does the hon. Member want to bring the Judge and the grave closer?

Shri Kamath: I hope not. The grave may still be kept at a distance for some time longer. In free India, it is proper that the grave recedes. Therefore, I would not mind the age being increased to 70, and *pari passu*, for the High Courts from 60 to 65. I have moved an amendment so far as the High Courts are concerned embodying this suggestion. If that is accepted, the other article also can be easily amended. I have further sought to amend article 244 the provision with reference to the bar on the Supreme Court Judges from accepting executive offices. My hon. friend Shri N. C. Chatterjee has moved a similar amendment. If that is acceptable, I would not like to press my amendment. But, I have made myself more concrete and more clear in so far as I have said executive offices definitely, while Shri N. C. Chatterjee has put it negatively: except judicial and quasi judicial offices, he shall not hold any other office. I have said, "no executive office including Administrator, the new office created by this Bill, including that of Governor or Head of an Indian Mission abroad": whether Ambassador or Minister does not matter and so I have not said 'Ambassador or Head of a Legation who is a Minister.' This bar should be there for the Supreme Court Judges and High Court Judges.

One word with regard to amendment 165. The number of Judges in the High Court shall not continue to be below the average strength for a period exceeding one month.

Mr. Deputy-Speaker: I understood the hon. Member to say that he had not moved amendment No. 164.

Shri Kamath: I do not press amendment No. 164 because that has been substituted by amendments 193 and 194. I have heard that in the Nagpur High Court, the strength has been less than the sanctioned strength for the last nine months and more, and there is a large accumulation of arrears. That question was raised in this House more than once. I remember this question was raised twice or thrice. Yet, the Minister had the hardihood to say that it depends on the volume of work. If he had cared to enquire seriously from the Nagpur High Court, he would have got reports that these arrears are accumulating tremendously. This is because the States are going to be reorganised and Nagpur will disappear from the High Court scene. There may be a Bench there. So they have not taken any steps in that direction. It is only putting off the evil day. This is not the way to manage the judiciary. I hope

[Shri Kamath]

the Government will manage them better at least after the States are reorganised.

I, therefore, move these various amendments which I have mentioned, and commend them for the acceptance of the House.

Shri H. N. Mukerjee: Mr. Deputy-Speaker, it is with a certain amount of nostalgia that I participate in this discussion, because, to talk about courts and judges recalls to me when, a little over 20 years ago, I also happened to be called to the Bar, a phase of my life which was, perhaps, over-clouded by certain other phases which have come to be more familiar to my colleagues in this House. I remember also a Judge told me, quoting, I believe, an English *obiter dictum*, when he noticed—it was British days—a certain predilection on my part, to disobey the law that if somebody wishes to live by the law, he should also abide by it. I also recall the days when I was clapped in prison and my hon. friend Shri N. C. Chatterjee whom I miss very much at this moment, was a High Court Judge before whom there was heard a *habeas corpus* application on my behalf. I remember also that, while he gave a very valuable and helpful judgement, he could not order my release because, unfortunately, the Constitution which we have today had not yet been promulgated and the safeguards for personal liberties, for whatever they are worth, had not come into the picture. That reminds me how in the set up envisaged by the Constitution, the position of our judiciary is so terribly important, and that is why we are devoting so much time to the discussion of these clauses which relate to the judiciary.

Reference has been to the Supreme Court of America. I remember how there were Judges of the Supreme Court of the United States, like the late Mr. Justice Holmes whose opinions in regard not only to legal matters, but also matters relating to social reconstruction are still looked upon with great respect by all who care for the future of society. It is exactly because I attach very great value to the position of the judiciary that I feel that it should be emphasised in Parliament and Government should take note of it that circumstances should not be created for our Judges in such a way that after having attained the age of 60, sometimes, it so happens that they do not know where to turn. Already reference has been made to the report,—it may be right or may not be right; but the report is there—that there has been a deterioration in the standards of our judiciary.

I remember at one time, even in the British days, there was a convention that High Court Judges would never go even for social meets with people like the Governor of a State. I remember distinctly that when Shri Sarat Chandra Bose was one of the leaders of the Calcutta Bar, there was a resolution passed, as far as I remember unanimously, by the Calcutta Bar Library Club disapproving of the conduct of the Chief Justice of the High Court whose name appeared in the court news of the day so to speak. He had gone to see the Governor or something like that had happened. These days it is not only reports that we hear. Actually we have seen Judges who perfectly independent when they were functioning on the Bench, but were later found to be almost supplicants for jobs like the headship of some kind of labour tribunal or other. And this is a matter of which Government should take very serious note We cherish the independence and prestige of our judiciary and do not want our Judges to be hobnobbing with members of the executive of whatever description. Shri Anthony drew a harrowing picture of certain events which he says happen these days. I am not very sure about the precise nature of what happens, but there is a report, and if there is a report something has got to be done about it, it has to be tackled at the root, that Judges these days are driven on account of certain regulations which are there to depend upon the good graces of the executive. And that is why I support those amendments which suggest that High Court Judges should at least have a longer tenure.

There is no reason why High Court Judges should have to retire at sixty when the Supreme Court Judges can continue till sixty-five, and I think there is a lot of point in what Shri Kamath has suggested. Supreme Court Judges may continue even up to the age of seventy because judicial determination requires a kind of work which normally speaking a man who has got across the other side of fifty may perhaps carry on working, he can work efficiently till he is seventy without any detriment to the nature of the work which he is called upon to perform. I, therefore, feel that we should take every care to safeguard the independence and the character of our judiciary and for the purpose we should extend the tenure to which Judges should be entitled when they enter upon the service of the country. The age limit, therefore, is something which ought to be considered, but I find that in this Bill the sixty year limit continues to apply in regard to High Court Judges.

I wish also to point out that it is better that Judges do not become advocates at all. In the provision in the Bill before us, Judges who have retired or have resigned like my friend Shri Chatterjee did, are precluded only from practising in the Courts where they have functioned as Judges, but I feel those who have been Judges should not in the later phase of their career work as advocates at all. As I told you earlier, Shri Chatterjee in my own *habeas corpus* application behaved in a manner which would make me beholden to him, which I am in various ways personally speaking, but on the other hand—and I think many of my friends in this House will agree—Shri Chatterjee, for example (I spoke with very great respect) rejoices and delights in advocacy. It is very necessary that we have people who delight in advocacy and because they delight in the art of advocacy, they can advocate their case with effect, but at the same time perhaps for judicial determination it is necessary that we have a set of people who do not take sides in the way in which many people do. Shri Chatterjee quoted a book by Shri Ivor Jennings on the Constitution of this country. I also happened to look at it because it was lying on the table so very near me, and I find that Sir Ivor Jennings makes a remark in one place. He says in India perhaps the lawyer-politician has played a larger role in public affairs than the lawyer-politician in any part of the world. He says: "As a lawyer I ought to be happy about it, but my experience is that as a rule lawyer-politicians are neither good lawyers nor good politicians." I do not want lawyer-Judges to be there all the time. I want a Judge who at an early stage of his career when he made good as a lawyer is appointed as a Judge because he made good as a lawyer. After that he should begin to cultivate a judicial temper. That is why for posts like the Election Commissioner or the Comptroller and Auditor-General I want people with a judicial temper. And Judges, once they are Judges, should decide that they are not going to be advocating cases before one tribunal or the other. And that is why I support the amendment of my friend Shri K. K. Basu which says that Judges after retirement should not be allowed to practise and also that they should not accept any other job but judicial or quasi-judicial jobs to which appointments are made only by the Chief Justice of India or by the Chief Justice of the relevant High Courts. Apart from that, the other kinds of jobs should not be the kinds of jobs which would be looked forward to by our judiciary.

I also want to refer to one other matter before I conclude and that is that in spite of the very able advocacy of my friend Shri Frank Anthony, I do support the idea of the transfer of Judges and I do not think that we should have a rule in our Constitution that a certain percentage of the Judges

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in a particular High Court should come from another State. I hope I shall not be misunderstood if I say that I am not a provincial chauvinist at all. I am an absolutely unashamed propagandist for linguistic States but I say that you cannot bring against me the charge of provincial exclusivism. I have not got that kind of feeling at all but I want to emphasize this point. We are going to have in this country the functioning of democracy, that is to say in those units which we have in this country—because our country is so large that we have to have this country distributed into certain units—the people ought to be able to participate in the processes of legislation and of judicial determination. For example, a Telugu going to the Andhra High Court should be able to follow the proceedings, and as a matter of course the Judges there should be Telugu-speaking or at least people who understand Telugu, who can conduct their work in Telugu. At the moment, as was pointed out by Shri K. K. Basu the other day, what happens is—in Calcutta as he pointed out even now it happens—the Judges are Bengalis, the parties and counsel are Bengalis, the witnesses are Bengalis, but the entire evidence has to be translated into English syllable by syllable almost. The time of the court is lost, the money of the State is lost and altogether an almost farcical proceeding takes place, and it all takes place because we have certain fads which we have inherited from the British days. While I really want that there should be more intercourse between our different provinces or States or whatever you choose to call them, at the same time we must realise that our people want to understand what is going on, and that is why as a general rule the Judges who are in a particular High Court should either know the language because it is their mother tongue or it should be that they learn the language and perform their duties after understanding that particular language. I wish also to point out that if we continue the corollaries to the arguments employed by Shri Anthony and my friends who think in his way, then we have got to maintain so to speak the entire apparatus of English jurisprudence. I know the point will be made that if we are to administer the law as it is today, we have to make references, we have to cite cases decided 200 years ago, we have to make references to all kinds of reports starting from the twelfth century in England. You go to any reputable lawyer's library and you will find books starting with the eleventh century in England. If we are going to continue the same Indo-Anglian system of jurisprudence, if we are not going to simplify our law, if we are not going to change our procedural and substantive law, if we are not going to make radical alterations in the matter of judicial determination, then democracy will remain up in the clouds and we might go on having wonderful discussions in English or in Hindi in Parliament, but actually the common people will not be able to participate in the life to which they are entitled. And that is why I suggest as a general rule it should be the practice for Judges in particular regional High Courts either to belong to the region or to be conversant with the language which is spoken by the majority of the people in that region.

I, therefore, wish to conclude by saying that we wish our judiciary really to deserve that respect which we wish to pay to it. We want that every facility should be offered to our judiciary. We want that our Judges should not feel that they are thrown, so to speak, to the wolves at the age of sixty, and we want at the same time that basic alterations are made in our rules with regard to the judiciary which would be in conformity with the professed ideals of socialistic reorganisation.

Shri Datar: In the course of the debate on this group of clauses, a number of points were made, so far as the High Court judges and the Supreme Court judges were concerned. I shall try to answer some of the more important ones amongst them.

In the first place, the point was made that the age of retirement should be raised from 60 and 65 respectively, so far as the High Court judges and the Supreme Court judges are concerned, to 65 and 70. That was the point that was raised by a number of hon. Members. So far as this question is concerned, we have to take into account a number of circumstances, and after harmonising all of them, we have to fix this age.

This was done to a very large extent, when the Constituent Assembly, of which my hon. friend opposite was a Member, deliberated upon this question for hours together and ultimately came to a conclusion, which, I would submit, constituted a golden means, so far as the ages now fixed are concerned.

On the one hand, we have to take into account the circumstance that for the High Courts and also for the Supreme Courts, we require judges of ripe wisdom and great experience. From that point of view, there is certainly a point that has to be made out for keeping such judges of ripe wisdom in the office for a longer period than the one that has been prescribed for officers on the executive side. So far as the officers on the executive side are concerned, we have fixed the age at 55 for all higher officers. So far as the ministerial posts are concerned, the age of retirements is generally 60. But here, in this case, we have to take into account the circumstance that the High Court judges have to work very strenuously. While we have to take this fact into consideration that we require the judges to be in office for as long as possible, there is the other side of the case, namely that after 60 and 65, it is necessary that we should give a chance to younger people. That is a point which we should not lose sight of at all.

Shri Kamath: But Ministers do not give a chance to younger people.

Shri Datar: So far as Ministers are concerned, they are always at the mercy of the Opposition, and therefore, they somehow manage to carry on and get on fairly well.

So far as the judges are concerned, we have desired that between these two points, namely the advisability of keeping in office persons of ripe wisdom, and the advisability of making room for youngsters, we have to fix an age-limit which is, fairly satisfactory to both.

That is the reason why in the case of High Court judges, an exception was made, and the age of retirement was raised up to 60, while in the case of the executive officers, we have fixed it only at 55.

So far as the Supreme Court judges are concerned, naturally, a higher age-limit has had to be provided for, because a number of judges from the High Courts will have to be taken over to the Supreme Court. If an invariable rule of 60 were to be put down, then, perhaps, it might be difficult for us to take advantage, or avail ourselves, of the ripe wisdom of the judges working in the High Courts, for the purpose of the Supreme Court judgeship. That is the reason why in one case, the age of 60 has been laid down, and in the other case, the age of 65 has been laid down. I would point out that these age-limits are fairly satisfactory to both, and, therefore, they ought not to be interfered with.

The second point that was raised was regarding the right to practise. Before the Constitution was passed, it was open to judges to practise after they retired. The whole position then was entirely different. But when the Constitution was framed, a rigid rule was laid down that those who were judges, on and after the date of the inauguration of the Constitution, could not plead or practise. So, this rule was laid down. I would point out to my hon. friends that so far as this is concerned, this has created a

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certain amount of disinclination or reluctance on the part of leading or senior advocates to accept the office of High Court judges.

Now, we have to take the facts as they are. We have to take into account also, I would not say the frailities of human nature, but I would say, the ways of human nature. For example, if an advocate is a very good advocate, he is generally disinclined to accept office, even the office of High Court judgeship or perhaps even that of Supreme Court judgeship, though we have been giving these judges fairly satisfactory remuneration. I am not prepared to admit, nor am I prepared to agree, that what we have been giving to our High Court judges and the Supreme Court judges is not attractive enough. I claim that it is fairly attractive. So far as the general conditions are concerned also, we have given them a number of facilities, as it would be found from the Part C States Act, the Part A States Act, and also from the provisions in the Constitution. So, the provisions are fairly attractive.

But if the advocates are earning more, they are earning four figures, as my hon. friend here suggests, then, naturally, they are....

Shri Kamath: Five figures, not four figures.

Shri Datar: Yes, five figures .... disinclined to accept the office of High Court judge or of Supreme Court judge, because thereby there would be a limit to their practice. For example, in the case of the lawyers or advocates—as sometimes, in the case of medical practioners' also—you reach fabulous sums, so far as their earnings are concerned. Naturally, when a man earns so much, he must have been a very competent and experienced advocate. We have also to take into account the fact that we are anxious to have judges of the best and most competent order.

4.27 P.M.

[MR. SPEAKER *in the Chair*]

That is why between 1950 when the Constitution was passed and inaugurated, and now, on a number of occasions, the best legal talents or advocates were not prepared to accept the invitation to be members of the Bench. So, when the best is not available, we have to go to the next best. Therefore, in order to satisfy a human desire, namely the desire to practise, if any, after retirement from active service, that is, after the age of 60—I would point out that the desire to practise is very strong in the hearts of all advocates, provided they are successful......

Shri Kamath: There is a proviso also!

Shri Datar:...we had to make some concession to what I might call this understandable human weakness. That is the reason why we have made a change only so far as the High Court judges are concerned, and not so far as the Supreme Court judges are concerned.

Shri B. K. Ray: Why do you not give them higher pension?

Shri Datar: I am coming to that.

So far as this matter is concerned, it would not be proper, and it would be highly derogatory to the Supreme Court judges to practise after they retire. That is the reason why we have got in article 124 (7) an absolute prohibition, so far as practice by a retired Supreme Court judge is concerned.

But so far as High Court Judges are concerned, it would be noted that we have two extremes of opinion. On the one hand, it is stated, as my hon. friend did, that there ought to be an absolute ban. On the other hand, it was stated that they ought to be allowed to practise before other tribunals as well. That is the reason why when this was taken into account, we made it absolutely clear in clause 13, which seeks to substitute article 220 in a new way, that all the retired Judges of a High Court shall practise only in the Supreme Court and other High Courts. We do not desire that our retired High Court Judges should go and practise before a District or Sessions Judge or even a first-class Magistrate. It is quite likely that in some cases a tendency may be there to do it. But we have confined their practice only to the other High Courts and the Supreme Court. Therefore, I would submit that so far as this question of practice is concerned, some concession had to be made and we have made this concession. If after 60 years, a man desires to practise, then he should not work in the sphere of influence in which he had officiated as a High Court Judge and must have officiated as a District Judge and must also have practised. Therefore, he is taken to other and safer limits and he is allowed, if he can take advantage of it, the right to practise in other High Courts, and if he thinks it proper or available, even in the Supreme Court. This is for the purpose of appreciating the best amongst the advocates.

Some comment or criticism was made by two or three hon. Members. One was to the effect that the independence of the judiciary was being adversely affected. Along with this point, it was also contended that there was a deterioration in the quality of the High Court Judges—I do not know whether the hon. Member who made the point had also the Supreme Court Judges in view.

Shri B. K. Ray: You are getting Judges in the Supreme Court only from High Courts. You are not recruiting from the Bar at all.

Shri Datar: I have answered that, as my hon. friend will know, only yesterday, and I would repeat that here also.

Now, so far as the other question is concerned, I would repudiate with all the earnestness that I have the suggestion or insinuation that our High Court Judges are not independent at all or that their independence has been affected and that they are aspirants for office. These were the contentions of some hon. Members.

Shri Kamath: You have made them aspirants.

Shri Datar: I would point out to my hon. friend as also to this hon. House that so far as the quality of the Judges is concerned, there has been absolutely no defect at all, and I would testify here to the very high quality, not only of the Judges but also of the judgments as well. We have maintained our judiciary on a very high pedestal and I do desire that we should not, in Parliament or elsewhere, speak in a manner that would unnecessarily cast doubts upon the independence of our judiciary.

Pandit K. C. Sharma (Meerut Distt.—South): Will the hon. Minister have a little comparative study of the quality of judgments delivered 25 years ago and now?

Shri Datar: Let the hon. Member understand that I speak after full deliberation and, therefore, I would return to the subject.

An Hon. Member: His impressions may be wrong.

Shri Datar: I have a better chance of knowing what they are carrying on.

Mr. Speaker: Can we get rid of our Judges? Courts are a necessary organ of the State. The judiciary is a necessary organ. Why should we go into the question whether the standard has advanced or gone down? We have to get along.

Shri Datar: Therefore, we have to speak with considerable restraint so far as the quality of High Court Judges is concerned. I was listening very attentively to what my hon. friends were stating. Some of them stated that their impression was based on reports that they received. I desire to

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point out that in such cases we ought to be extremely careful in relying, upon reports, because these reports are likely to be either exaggerated or even unfounded.

Shri Kamath: First hand knowledge.

Shri Datar: I may point out that they are not forgetting this or that executive post. I would tell this House that on a number of occasions, we have to induce such persons to take the appointment.

Shri Kamath: There is the rub. Do not induce them.

Shri Datar: Only when it was absolutely essential, they were asked to take appointment. I would point out to my hon. friend that they are reluctant to accept office, not that they are over-eager. Let this be understood very clearly; let there be no impression or mis-impression going round that the quality has fallen down or that the Judges are seekers of appointment here and there.

Lastly, so far as this question is concerned, there is hardly one or more appointment—not more than one. From a single appointment, I have been hearing generalisation after generalisation. Let us understand that there are only extremely few and rare cases where a retired High Court Judge has been taken in for an executive post. Under these circumstances, when in the majority of cases, nothing has been done, I request hon. Members not to generalise in the way they have been doing, to the needless prejudice of the High Court Judges as well as the Government.

Two or three other points have been made. One is that a certain proportion of outsiders or those who do not belong to a particular State should be appointed to the Bench of the High Court in that State. Now, as one of my hon. friends opposite pointed out, there may be difficulties so far as language is concerned. After all English is now there and there may be no difficulty at all but a time will have to come when our own national language will have to be introduced in the High Courts also. By that time Judges from other States can be taken in.

I would point out that in our memorandum of safeguards, copy of which has been supplied to all hon. Members, it has been clearly stated that it is intended that to the extent possible, this should be borne in mind, in making future appointments. After all, the Government should be trusted in carrying on their work. In a proper manner so far as all such points are concerned, and I would not like any statutory restrictions laid down in this respect, because in such cases it might be impracticable also. So this principle will be borne in mind by those who are responsible to this House, and whatever the spirit of this resolution is, it will be carried out to the extent that it is necessary.

One hon. Member suggested that the Judges of Part B State High Courts were rather nervous. I have already answered this, question. I would point out that all the High Courts have been placed on the same footing and on the parity. Naturally, therefore, Government and the public are entitled to have some selection. In this connection, I would invite attention to what has been stated by the Joint Committee in its report.

Pandit K. C. Sharma: What about judicial Commissioners, such as of Ajmer?

Shri Datar: The Committee has proposed that the Judges of all High Courts should receive the same salary and in order to facilitate the selection and appointment of Judges to High Courts which will replace the High Courts of Part B States later on, some selection has got to be made. There is nothing for which they need be nervous. If, for example, the Chief Justice recommends that so far as certain judges are concerned, they should continue and that they ought to be taken in the new High Courts, naturally, we shall be guided by their advice. I would therefore submit that this is not a matter in which any judge can be nervous because what we want to see is that all the High Court judges come of a very high order for the simple reason—apart from other weightier reasons—that we are going to enhance their pay; and, in some cases, the pay is enhanced by Rs. 1000 per month. That is a circumstance which the House will kindly take into account. I would point out that these judges need not be nervous about their future.

I have also to point out that in cases where they do not come up to the expectations of the Chief Justice, then we shall try, to the extent we can, to have them absorbed wherever it is practicable. Therefore, I think all the important points that have been made have been answered by me.

Shri Frank Anthony: What about the all-India services?

Shri Datar: So far as that service is concerned, we have got now two All-India services, the I.A.S. and the I.P.S. Though such a service can be constituted by the Central Government, still hon. Members will realise that the advantage of such a service will only be taken up by the State Governments and, therefore, we desire that we should carry with us the largest measure of agreement or consent so far as this question is concerned.

When, for example, the I.A.S. and the I.P.S. were instituted in the time of the first Home Minister of India, then, naturally, we had the consent of all the States. And, I would point out that so far as the various services that my hon. friend has mentioned and have been mentioned also in the S.R.C. Report, this question has got to be taken up with the State Governments and their consent obtained. They are not Central Services; they would be largely, All-India Educational and All-India Engineering Services or other services. The question of instituting some more services is under consideration, and therefore this reform can only be brought into existence provided the State Governments agree.

I would point out to my hon. friend that we are a federation and our State Governments are autonomous and, therefore, we have to be extremely solicitous about the views of the State Governments. I would request the hon. Member Shri Anthony not to make light of this autonomy that is possessed by the State Governments. We shall carry the State Governments with us to the extent, it is necessary and, if, for example, we do not carry them with us, we shall wait for some time and we shall bide our time. I am confident that gradually all the State Governments would accept the advice that we give or the proposals that we make in this respect.

Mr. Speaker: We shall stop this Bill for a while; the Railway Minister has to make a statement.

TRAIN ACCIDENT BETWEEN JADCHERLA AND MAHBUBNAGAR

The Minister of Railways and Transport (Shri Lal Bahadur Shastri): Mr. Speaker, Sir, I can very well realise the feelings of the hon. Members of this House over the tragic railway accident that took place near Hyderabad the other day. This being the second accident in that State, it has naturally caused much concern and I am in entire agreement with the House that a full and thorough enquiry should be made and, as the Prime Minister has rightly said, all steps taken to prevent such happenings.

Many of the details of the accident have already been given to this House by the Deputy Minister on the 3rd and I need not cover the same ground. I have visited the site and I must say that I was amazed how a small rivulet could lead to this great disaster. It is so difficult to believe that a small stream which normally carries a few feet of water would rise so suddenly within a few, perhaps 2 to 3 hours.

[Shri Lal Bahadur Shastri]

And it is only by sheer chance that, except for the two third and one upper class bogies, the remaining carriages were saved without even being derailed. The two bogies were, however, completely smashed and the third one still stands dipping into the river. Destiny seems to have played its own part.

I now wish to report certain further details of this accident to supplement the information already given by the Deputy Minister.

A month prior to this accident the approaches of this bridge had been breached at about 14-30 hours on 1st August, 1956 due to a heavy rush of water caused by the bursting of the Pochani-Kunta tank situated about 1½ miles upstream of this bridge. The breaches in the railway bank were repaired and traffic was restored by 15-37 hours on the 2nd August, 1956 after the bridge and its approaches had been inspected and certified as safe by the Divisional Engineer.

The records scrutinised so far show that this bridge had stood well since construction and no abnormal flow of water through the bridge nor any serious damage to the structure or even to the approaches seems to have occurred prior to the 1st of August 1956.

The breaches on 1st August, 1956 gave an opportunity to the engineers to make a thorough inspection of the bridge structure including the back of the abutments and wing walls and they found that the main parts of the structure, namely, the foundations, the abutments, the wing walls and the girders had suffered no damage and were in good condition.

From 2nd August, 1956, when the traffic was restored, up to the 9th August, all trains were required to stop at the bridge and then proceed at a speed of 5 miles per hour. Thereafter, the speed of trains was raised to 10 miles per hour and this was further relaxed to 20 miles per hour on 13th August, 1956. Finally, on the 21st August, the speed restriction was completely removed. It will thus be seen that after the breaches on the 1st August, 1956, the speed restriction for the movement of trains over the bridge had been relaxed by stages with the progressive consolidation of the repaired portions. From the 21st August, 1956 up to the date of the accident, trains continued to run at normal speeds and no untoward report had been received from any running staff during this period.

The House would naturally like to know what check and supervision the Engineering officials exercised on this section during the month of August. It has been reported that the Divisional Engineer had inspected the track twice by trolley and train during the month of August, the Assistant Engineer did so 5 times and the Permanent Way Inspector 11 times. It would, therefore, appear that adequate inspection of this section of the line including the bridge and its approaches had been made prior to the date of the accident. It has also been reported that regular monsoon patrolling had been in force on this section and in addition 2 Bridge Watchmen had been specifically appointed, after 1st August, 1956, to keep a watch on this bridge in shifts.

This bridge, including the approaches was obviously intact and safe for the passage of trains when 805 Down Goods train passed over it at about 21.00 hours that is, 9 P.M. Between this and the time of the accident, that is, within a gap of 3 hours and 45 minutes, some defect or defects had developed either in the approach or the bridge itself or there was human failure in the management of the train, or, perhaps, there was a combination of some such defects. It is but natural that the hon. Members would like to know what actually caused this tragedy. It is quite clear that there was an unprecedented flow of water in the stream just before the time of this accident. This is also borne out by the overflowing of the stream at the road bridge about half a mile down-stream which was not only overtopped but 3 to 4 ft. of water must have overflowed the roadway itself. There was either a sudden cloudburst in the catchment area of the stream and maybe some other tank had burst or water overflowed into that stream from some other source. These are matters for investigation. We want the fullest investigation to be made in regard to this matter, and I am not against a judicial enquiry being held. I do not want that anything should be suppressed or the mistake of the Railway, if any, not brought to light. The Senior Government Inspector, as hon. Members are aware, has already visited the site and has started his enquiry. He has been requested to expedite his report and on its receipt it will be subjected to quick and careful examination. And it will then be the appropriate time to decide about holding a judicial enquiry. The nature of such an enquiry being highly technical, it will of course have to be conducted with the association of one or two technical assessors.

I would have liked to give my own impression of the accident, but this would not be appropriate at this stage. I would request the House to wait till the receipt of the findings of the Government Inspector of Railways.

I would also like to inform the Members of the House that detailed instructions exist in regard to periodical examination of bridges and their maintenance in proper condition. All bridges are thoroughly inspected by the Assistant Engineer in charge immediately after the monsoons and any defcts noticed—however minor they may be—are recorded in the bridge register. Necessary repairs are immediately started. These bridge registers are then submitted to the Divisional Engineer who also inspects such bridges as call for his inspections and records his orders.

In addition to the orders that exist with regard to the annual inspection of bridges and their maintenance, special instructions were issued in December 1954 by the Railway Board after the Jangaon accident in Hyderabad which were full and comprehensive. Copies of these detailed instructions would be placed on the Table of the House tomorrow.

During the rainy season, the bridges and banks likely to be affected by floods are closely watched and specially so during the night. Men are posted who have full authority and means to stop trains from proceeding further by the display of adequate signals and use of fog signals etc. These men are also required to send immediate information to the nearest station if there is any danger to the approaching train. However, in this particular case, I was told that the Chowkidar posted at this bridge was not present there at the time of the accident, and that, according to his statement, he was present at another bridge a little distance away. All this, however, will be cleared at the time of the enquiry.

I met the driver and the two firemen also. They were injured and were suffering from shock. I had a few words with the driver about the speed of the train, whether headlights were on, and if he could see the water on the bridge, but I cannot at present divulge his reply as he will have to appear before the Enquiring Officer. Besides, he was lying in the hospital when it was, perhaps, not advisable on my part to have even put these questions to him.

I visited the hospitals and saw the injured passengers. They had all minor or simple injuries except two or three and especially one who lay in a somewhat delirious and semi-censcious condition. All possible care is being taken of them and let us hope for their early recovery.

Needless to say that this accident has grieved me most, and I feel sadder after having seen the things at site. The memory of the unfortunate per-

[Shri Lal Bahadur Shastri]

sons who were killed will haunt me, perhaps, for a long time to come. The death roll, I am now advised, has reached the figure of 117.

I have already asked the Railway Board to get all the bridges in the State and the area round about checked and the formations also inspected through an expert body who should include at least one competent Engineer not in Railway Service. The Committee should submit their report at the earliest so that action may be taken on their recommendations before the next monsoon. A Sessions Judge is also being appointed by the Hyderabad Government for considering cases of claims for compensation.

I must acknowledge the immense co-operation the Railways have received from the Hyderabad Government, and I would like to take this opportunity to thank that Government and the Chief Minister for the same.

Shri H. N. Mukerjee (Calcutta North-East): I am unhappy that Government still, fights quite shy of a judicial enquiry. The Minister has told us that this is a matter which involves technical determination, but we are quite used to having Judges assisted by technological expert as assessors or otherwise. In this matter, so much public feeling has been aroused that it is only fair that there should be a judicial determination of the position. On the last occasion.........

Mr. Speaker: I thought he agreed to such an enquiry.

Shri T. B. Vittal Rao (Khammam): He is likely to appoint a judicial officer; it is not a judicial enquiry at the moment.

Shri Lal Bahadur Shastri: I have said in my statement that as soon as the report of the Government Inspector of Railways is received, we will examine it quickly and then it is for the House to decide. If the report of the Enquiry Officer is unequivocal and the findings are quite clear, if it is found that the Railways are at fault or particular officers or engineers are at fault or the formation of the bridge was not properly looked after, I do not think there will be any need for a further enquiry. But I have not a closed mind on the subject. I might say that if their is a clear finding by the Government Inspector of Railways, then it may not be necessary to make any further enquiry. But in case if any points are left in doubt that we should appoint a judicial enquiry, then the Judge can be helped by two technical assessors.

Shri Kamath (Hoshangabad): Did the hon. Minister, while he was on the spot, care to ascertain whether it is a fact that the President or Secretary of a local Railway Union had warned the Stationmaster and the Railway Authorities there about the weakness of this particular bridge just 24 hours earlier?

Shri Lal Bahadur Shastri: I have met that young man and had a talk with him. It is perhaps not proper to discuss that matter further because he himself will appear before the Enquiry Officer and make his statement. Perhaps it might prejudice his case—I wanted to say something, but I do not think it would be proper to say anything now

Shri Krishnacharya Joshi (Yadgir): May I know whether all the dead bodies have been identified and may I also know the total number of tickets issued?

Shri Lal Bahadur Shastri: I cannot give the exact number, but it seems the third class bogies were deeply full and they were overcrowded. Only about 23 or 24 passengers were left unhurt. The rest of them either died or are in the hospital because they were injured. As regards the identification, more than 50 per cent have been identified.

Dr. Lanka Sundaram (Visakhapatnam): The hon. Minister said that the departmental enquiry is under way. Can he give an assurance to this

Shri T. B. Vittal Rao.
Shri K. Gopala Rao.
Shrimati Renu Chakravartty.
Shri M. K. Moitra.
Dr. Rama Rao.
Shri Tushar Chatterjea.
Shri B. C. Das.
Shri N. R. Waghmare.
Shri Dasaratha Deb.
Shri Biren Dutt.
Shri Rishang Keishing.
Shri Vijneshwar Missir.
Shri Ramji Verma.

Amendment No. 4:

Ayes

Shri N. C. Chatterjee.
Shri H. N. Mukerjee.
Shri K. K. Basu.
Shri Sadhan Gupta.
Shri H. V. Kamath.
Shri M. S. Gurupadaswamy.
Shri R. N. Deo.
Shri V. G. Deshpande.
Shri M. K. Moitra.
Shrimati Renu Chakravartty.
Shri T. B. Vittal Rao.
Shri K. Gopala Rao.
Shri Tushar Chatterjea.
Shri B. C. Das.
Shri N. R. Waghmare.

The House will now take up the next group of clauses 17, 18, 19 and 20.

Shri A. M. Thomas: Why cannot we pass clauses 2 to 16 now?

Mr. Speaker: We will dispose of amendments to clauses 17 to 20 in a short time and put all the clauses from 2 to 20 together.

Shri K. K. Basu: It cannot be discussed in a short time. I have amendments Nos. 20 and 21 to clause 17. This group deals with the future set-up of the Union Territories and we have fixed 1½ hours for that. It cannot be finished now.

Mr. Speaker: We have allotted about an hour and a half for the group of clauses dealing with Union territories. Can we not sit a little longer and dispose of all the clauses at the end?

Pandit G. B. Pant: We have allotted 5½ hours for clauses 2 to 20 and 21 to 25. Those 5½ hours are over. Now, these clauses can also be put to vote. The time intended for these clauses which you have mentioned has been taken up by the other clauses that the House has dealt with.

Mr. Speaker: Then, I shall get through the voting on the clauses already dealt with.

The question is:

> "That clauses 2, 3 and 4, as amended; clauses 5, 6 and 7; clause 8, as amended; clauses 9, 11 and 12; clause 13, as amended; clauses 14, 15 and 16; and clause 25, as amended, stand part of the Bill."

*The Lok Sabha divided**: *Ayes*: 296, *Noes*: Nil.

Division No. 8] AYES [5-50 P.M.

Abdullabhai, Mulla
Abdus Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agarwal, Shri H.L.
Agrawal, Shri M.L.
Akarpuri, Sardar
Altekar, Shri
Amrit Kaur, Rajkumari
Anandchand, Shri
Ansari, Dr.
Asthana, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Bahadur Singh, Shri
Balkrishnan, Shri
Balasubramaniam, Shri
Baldev Singh, Sardar
Banerjee, Shri

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*The result of this division is applicable to each of the clauses 2, 3 and 4, as amended; clauses 5, 6 and 7; clause 8, as amended; clauses 9, 11 and 12; clause 1 as amended; clauses 14, 15 and 16; and clause 25, as amended, separately.

AYES—*Contd.*

Bansal, Shri
Bansilal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Bhagat, Shri B.R.
B hakt Darshan, Shri
Bharati, Shri G.S.
Bargava, Pandit Thakur Das
Bhartiya, Shri S.R.
Bhatkar, Shri
Bhatt, Shri C.
Bhawanji, Shri
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri
Birbal Singh, Shri
Bogawat, Shri
Borkar, Shrimati Anusayabai
Bose, Shri P.C.
Brajeshwar Prasad , Shri
Brohmo-Choudhury, Shri
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chavda, Shri
Chettiar, Shri Nagappa
Chettiar, Shri T.S.A.
Damodaran, Shri Nettur P.
Das, Dr. M.M.
Das, Shri B.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S.C.
Desai, Shri K.N.
Desai, Shri Khandubhai
Deshmukh, Dr. P.S.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Diwan, Shri R.S.
Dube, Shri Mulchand
Dube, Shri U.S.
Dubey, Shri R.G.
Dutta, Shri S.K.
Dwivedi, Shri M.L.
Eacharan, Shri I.
Ebenezer, Dr.
Elayaperumal, Shri
Fotedar, Pandit
Gadgil, Shri
Gandhi, Shri Feroze
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Garg, Shri R.P.
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghosh, Shri A.
Gidwani, Shri
Giri, Shri V.V.
Gohain, Shri
Gopi Ram, Shri
Gounder, Shri K.P.
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hembrom, Shri
Hem Raj, Shri
Hyder Husein, Ch.
Ibrahim, Shri
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jain, Shri N.S.
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jena, Shri K.C.
Jena , Shri Niranjan
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri A.C.
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale. Shrimati A.
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kayal, Shri P.N.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali.
Khedkar, Shri G.B.
Khongmen, Shrimati
Kirolikar, Shri
Kottukappally, Shri
Krishna, Shri M.R.
Krishna Chandra, Shri
Krishnappa, Shri M.V.
Kureel, Shri B.N.
Lakshmayya, Shri
Lal Singh, Sardar
Laskar, Shri
Lotan Ram, Shri
Madiah Gowda, Shri
Majithia, Sardar
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Mavalankar, Shrimati Sushila
Mehta, Shri B.G.
Mehta, Shri Balwant Sinha
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri Lokenath
Mishra, Shri M.P.
Mishra, Shri S.N.
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
Mudalia, Shri C. R.
Mukne, Shri Y.M.
Murthy, Shri B.S.
Musafir, Giani G.S.
Muthukrishnan, Shri C. R.
Naidu, Shri N.R.
Nair, Shri C.K.
Nanda, Shri
Narasimhan, Shri
Naskar, Shri P.S.
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Nijalingappa, Shri
Pande, Shri B.D.
Pannalal, Shri
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri B.K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Rajabhoj, Shri P.N.
Ramachander, Dr. D.
Ramanand Shastri, Swami

AYES—*Contd.*

Ramananda Tirtha, Swami
Ramaswamy, Shri S.V.
Ram Dass, Shri
Ram Krishan, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Raut, Shri Bhola
Ray, Shri B.K.
Reddi, Shri Ramachandra
Reddy, Shri Viswanatha
Roy, Shri Bishwa Nath
Rup Narain, Shri
  Shri Syamnandan
Sahu, Shri Rameshwar
Sa. al, Sardar A.S.
Saksena, Shri Mohanlal
Samanta, Shri S.C.
Sankarapandian, Shri
Sarma, Shri D.N.
Sarmah, Shri Debeswar
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.

Shah, Shri C.C.
Shah Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shastri, Shri Algu Rai
Shivananjappa, Shri
Shriman Narayan, Shri
Shukla, Pandit B.
Siddananjappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri M.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shri Sateyendra Narayan

Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Snatak, Shri
Sodhia, Shri K.C.
Subrahamanyam, Shri T.
Subramania Chettiar, Shri
Sundaram, Dr. Lanka
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri
Telkikar, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Pandit B.L.
Tiwari, Shri R.S.
Tiwary, Pandit D.N.
Tulsidas, Shri
Tyagi, Shri
Uikey, Shri
Upadhyaya, Shri Shiva Datt
Varma, Shri B.B.
Vidyalankar, Shri A.N
Vyas, Shri Radhelal
Wilson, Shri J.N.
Zaidi, Col.

NOES

Nil

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clauses 2, 3 and 4, as amended; clauses 5, 6 and 7; clause 8, as amended; clauses 9, 11 and 12; clause 13, as amended; clauses 14, 15 and 16; and clause 25, as amended, were added to the Bill.

Mr. Speaker: The question is:

"That clause 10 stands part of the Bill."

The Lok Sabha divided: Ayes: 296; *Noes:* 26.

Division No. 9] AYES **[6-15 P.M.**

Abdullabhai, Mulla
Abdur Sattar, Shri
Achal Singh, Seth
Achint Ram, Lala
Achuthan, Shri
Agarwal, Shri H.L.
Agrawal, Shri M.L.
Akarpuri, Sardar
Altekar, Shri
Amrit Kaur, Rajkumari
Anandchand, Shri
Ansari, Dr.
Asthana, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Balkrishnan, Shri
Balasubramaniam, Shri

Baldev Singh, Sardar
Banerjee, Shri
Bansal, Shri
Bansilal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Bhagat, Shri B.R.
Bhakt Darshan, Shri
Bharati, Shri G.S.
Bhargava, Pandit Thakur Das
Bhartiya, Shri S.R.
Bhatkar, Shri
Bhatt, Shri C.
Bhawanji, Shri
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri

Birbal Singh, Shri
Bogawat, Shri
Borkar, Shrimati Anusayabai
Bose, Shri P.C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chandak, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chatterjee, Dr. Susilranjan
Chaturvedi, Shri
Chaudhary, Shri G.L.
Chavda, Shri
Chettiar, Shri Nagappa
Chettiar, Shri T.S.A.
Dabhi, Shri
Damodaran, Shri Nettur P.
Das, Dr. M. M.

AYES—*Contd.*

Das, Shri B.
Das, Shri B.K.
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri Ramanada
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S.C.
Desai, Shri K.N.
Desai, Shri Khandubhai
Deshmukh, Dr. P.S.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Diwan, Shri R.S.
Dube, Shri Mulchand
Dube. Shri U.S.
Dubey, Shri R.G.
Dutta, Shri S.K.
Dwivedi, Shri M.L.
Eacharan, Shri I.
Ebenezer Dr.
Elayaperumal, Shri
Fotedar. Pandit
Gadgil, Shri
Gandhi, Shri Feroze
Gandhi, Shri V.B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Garg, Shri R.P.
Gautam, Shri C.D.
Ghose, Shri S.M.
Ghose, Shri A.
Gidwani, Shri
Giri, Shri V.V.
Gohain, Shri
Gopi Ram, Shri
Gounder, Shri K.P.
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hembrom, Shri
Hem Raj, Shri
Hyder Hussein, Ch.
Ibrahim, Shri
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jain, Shri A.P.
Jain, Shri N.S.
Jajware, Shri
Jandge, Shri
Jatav-vir, Dr.
Jena, Shri K. C.
Jena, Shri Niranjan
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri A.C.
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar

Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri
Katham, Shri
Katju, Dr.
Kayal, Shri P.N.
Kazmi, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath
Khedkar, Shri G.B.
Khongmen, Shrimati
Kriolikar, Shri
Kottukappally, Shri
Krishna, Shri M.R.
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnappa, Shri M.V.
Kureel, Shri B.N.
Lakshmayya, Shri
Lal Singh, Sardar
Laskar, Shri
Lotan Ram, Shri
Madiah Gowda, Shri
Majithia, Sardar
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal, Dr. P.
Masuriya Din, Shri
Mathew, Shri
Matthen, Shri
Mavalankar, Shrimati Sushila
Mehta, Shri B.G.
Mehta, Shri Balwant Sinha
Menon, Shri Damodara
Minimata, Shrimati
Mishra, Shri Bibhuti
Mishra, Shri Lokenath
Mishra, Shri M.P.
Mishra, Shri S.N.
Mishra, Shri B.N.
Mishra, Shri R.D.
Mishra, Shri S.P.
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
Mudaliar, Shri C.R.
Mukne, Shri Y.M.
Murthy, Shri B.S.
Musafir, Giani G.S.
Muthukrishnan, Shri
Naidu, Shri N.R.
Nair, Shri C.K.
Nanda, Shri
Narasimhan, Shri

Naskar, Shri P.S.
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Nijalingappa, Shri
Pande, Shri B.D.
Pannalal, Shri
Parekh, Dr. J.N.
Parikh, Shri S.G.
Parmar, Shri R.B.
Pataskar, Shri
Patel, Shri B.K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri Shankargauda
Pillai Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghubir Sahai, Shri
Raghunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Rajabhoj, Shri P.N.
Ramachander, Dr. D.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Ramaswamy, Shri S.V.
Ram Dass, Shri
Ram Krishan, Shri
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Raut, Shri Bhola
Ray, Shri B.K.
Reddy, Shri Viswanatha
Roy, Shri Bishwa Nath
Rup Narain, Shri
Sahaya, Shri Syamnandan
Sahu, Shri Rameshwar
Saigal, Sardar A.S.
Saksena, Shri Mohanlal
Samanta, Shri S.C.
Sankarapandian, Shri
Sarma, Shri D.N.
Sarmah, Shri Debeswar
Satish Chandra, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Sewal, Shri A. R.
Shah, Shri C. C.
Shah, Shri Raichandbhai
Shahnawaz Khan, Shri
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri K.R.
Sharma, Shri R.C.
Shastri, Shri Algu Rai

AYES—*Contd.*

Shivananjappa, Shri
Shriman Narayan, Shri
Shukla, Pandit B.
Siddananjappa, Shri
Singh, Shri D.N.
Singh, Shri D.P.
Singh, Shri H.P.
Singh, Shri L. Jogeswar
Singh, Shri M.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan.
Sinha, Shri Satyendra Narayan
Sinhasan Singh, Shri
Siva, Dr. Gangadhara
Snatak, Shri
Sodhia, Shri K.C.
Subrahmanyam, Shri T.
Subramania Chettiar, Shri
Sunder Lal, Shri
Suresh Chandra, Dr.
Suriya Prashad, Shri
Swaminadhan, Shrimati Ammu
Tandon, Shri
Telkikar, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Pandit B.L.
Tiwari, Shri R.S.
Tiwary, Pandit N.
Tyagi, Shri
Uikey, Shri
Upadhyaya, Shri Shiva Datt
Varma, Shri B.B
Vidyalankar, Shri A.N.
Vyas, Shri Radhelal
Wilson, Shri J.N.
Wodeyar, Shri
Zaidi, Col.

NOES

Basu, Shri K.K.
Biren Dutt, Shri
Chakravartty, Shrimati Renu
Chatterjea, Shri Tushar
Chatterjee, Shri N.C.
Das, Shri B.C.
Dasaratha Deb, Shri
Deo, Shri R.N.S.
Deshpande, Shri V.G.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M.S.
Kamath, Shri
Mehta, Shri Asoka
Missir, Shri V.
Maitra, Shri M.K.
Mukerjee, Shri H.N.
Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri T . Vittal
Reddi, Shri Ramachandra
Rishang Keishing Shri
Trivedi, Shri U.M.
Tulsidas, Shri
Veeraswamy, Shri
Verma, Shri Ramji
Waghmare, Shri

The motion was adopted.

Clause 10 was added to the Bill.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Therefore, clause 10 stands part of the Bill.

The House will now take up the other group of clauses, namely clauses 17 to 20. Let us start.

Shri Kamath: May I make one earnest request to you? As we had no notice of this, we had made engagements outside, because we had not proposed to sit beyond six o'clock this evening. Therefore, I would make a request to you, and I would suggest to you that tomorrow—let us fix today itself—we may sit till eight o'clock in the evening, or even beyond eight o'clock and let us have dinner also—and have a night session so that this whole thing should be finished. But let it not be continued today, because we have got some engagements.

Shri K. K. Basu: Who will stand the dinner?

Mr. Speaker: I only want to say this. We cannot keep all hon. Members waiting here, because they may have other work also. We originally proposed to get through all the clauses and complete this Bill by tomorrow evening. It does not matter if we do not sit late today; we are willing to sit tomorrow.

I would like to suggest one other course also. If hon. Members would try to put up with some inconvenience tomorrow, we may meet at ten o'clock, and carry on till seven o'clock, instead of hon. Members waiting and expecting a dinner here—it will be rather inconvenient to hon. Members.

Therefore, we may meet at ten o'clock as an exception. Let us carry on till seven o'clock. The voting on all the clauses will be once and for all in the evening.

Now, we have to discuss clauses 17 to 20, as we discussed the other clauses today. We shall discuss the other clauses also, the other groups; then, the amendments will be put to

[Mr. Speaker]

the vote of the House. Whenever the amendments are challenged, during the lunch interval they will be put off till 2.30 P.M. After the amendments are carried or thrown out, once and for all, the clauses, in the form of groups, or individually, will be put to the vote of the House. We shall finish this Bill tomorrow.

Shri Bogawat (Ahmednagar South): Is the question hour being dropped?

Mr. Speaker: The question hour is there. It does not matter. We are pushing it in.

An Hon. Member: Why should the Minister not stand us dinner?

Mr. Speaker: If hon. Members are willing to forgo the question hour......

Some Hon. Members: No.

Mr. Speaker: So, hon. Members are not willing to forgo the Question Hour. Anyhow, we have pushed it one hour in advance and one hour behind, and therefore, we are getting two hours more tomorrow.

So, we meet at ten o'clock tomorrow and carry on till seven o'clock or till such further time as may be necessary to complete this. I expect to finish it at seven o'clock positively.

The House will now stand adjourned and meet again at 10 A.M. tomorrow.

The Lok Sabha then adjourned till Ten of the Clock on Thursday, the 6th September, 1956.

	Columns
MESSAGES FROM RAJYA SABHA. . .	5645—46

Secretary reported the following three messages from Rajya Sabha:

(1) That at its sitting held on the 4th September, 1956, Rajya Sabha had agreed without any amendment to the Lok Sahayak Sena Bill passed by Lok Sabha on the 28th August, 1956.

(2) That at its sitting held on the 3rd September, 1956, Rajya Sabha had agreed without any amendment to the Indian Institute of Technology (Kharagpur) Bill passed by Lok Sabha on the 25th August, 1956.

(3) That at its sitting held on the 4th September, 1956, Rajya Sabha had agreed without any amendment to the State Financial Corporations (Amendment) Bill, passed by Lok Sabha on the 30th August, 1956.

PETITION *RE* NON-JUDICIAL AND COURT FEE STAMP PAPERS. .	5646

Dr. Gangadhara Siva presented a petition signed by a petitioner relating to the standardization and machine-ruling of non-judicial and court fee stamp papers.

	Columns
BILL UNDER CONSIDERATION.	5648—5774 5786—5812

Clause-by-clause considerations of the Constitution (Ninth Amendment) Bill, as reported by Joint Committee, was commenced. Clauses 2 to 16 and 25 were adopted. Consideration of clauses was not concluded.

STATEMENT *RE* TRAIN ACCIDENT BETWEEN JADCHERLA AND MAHBUBNAGAR . .	5774—84

The Minister of Railways and Transport (Shri Lal Bahadur Shastri) made a statement regarding the accident to the Secunderabad-Dronachallem passenger train on the midnight of September 1, 1956.

AGENDA FOR THURSDAY, 6TH SEPTEMBER, 1956—

Consideration and passing of the Constitution (Ninth Amendment) Bill, as reported by Joint Committee.
